



Crl.O.P.(MD) No.5905 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5905 of 2024

1. Palraj Nayakkar
2. Sanjay Gandhi
3. Santha
4. Mahalakshmi
5. Selvanayaki

... Petitioners

Vs

1. The Deputy Superintendent Of Police,
Peraiyur Sub Division,
Madurai District.
2. The Inspector of Police,
T.Kallupatti Police Station,
Madurai District,
Crime No.81/2024.
3. Sakkanan
4. Sakkammal

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned III Additional District and Sessions Judge, Madurai, Madurai District (PCR Cases) to consider the bail application of the petitioner/accused to be filed in Crime No.81/2024 on the file of the 2nd respondent police

For Petitioners : Mr. R. Balamuruganantham

For Respondents : Mr. P.Kottai Chamy
Government Advocate (CrI.Side)

section of law

ORDER

The petitioners are the accused in Crime No.81 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 147, 148, 294(b), 323 and 506(ii) IPC and Section 4 of TNPWH Act r/w Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2.Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. The petitioners claim that this case is a foisted one and they will prove their innocence. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioners are inclined to surrender before the Special Court concerned



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and to seek regular bail. However, the petitioners seek a direction for disposal of the bail application on the same day.

3.This Court in similar circumstances had issued directions to the Courts concerned where FIR is pending, to consider the bail application filed on the same day of their surrender and therefore, by relying upon the similar orders, the petitioners pray for similar directions.

4.Considering the facts that it is a civil dispute between the parties and in this case no one has been injured in the occurrence and also the similar such orders passed by this Court, this petition is disposed of with a direction to the petitioners to surrender within a period of ***two weeks*** from today before learned ***III Additional District and Sessions Judge (Special Court for PCR Act Cases), Madurai, Madurai District***, which in turn is directed to entertain the bail applications if any filed by the petitioners on the same of day. The Public Prosecutors are expected to be available in the Courts and the Public Prosecutors can very well get instructions with the available scientific modes. The bail application in any event shall be disposed on merits on the same day.



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5.This Criminal Original Petition is disposed of accordingly.

17.04.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

PNM

To

1. The III Additional District and Sessions Judge
(Special Court for PCR Act Cases), Madurai, Madurai District

2. The Deputy Superintendent Of Police,
Peraiyur Sub Division,
Madurai District.

3. The Inspector of Police,
T.Kallupatti Police Station,
Madurai District,
Crime No.81/2024.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

PNM

ORDER IN
CRL.O.P (MD) No.5905 of 2024

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