



CrI.O.P.(MD) No.5848 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5848 of 2024

Ganesan

... Petitioner

Vs

1. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Oomachikulam,
Madurai District.

2. The Inspector of Police,
Appanthiruppathy Police Station,
Madurai District. in Crime No.64/2024.

3. Nondichamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned III Additional District Judge (PCR Court), Madurai to consider the bail application of the petitioner on the same day of his surrender itself in Crime No.64/2024 on the file of the 2nd Respondent Police.

For Petitioner : Mr. R.Alagia Nambi

For Respondents : Mr.P.Kottai Chamy

Government Advocate (Crl.Side)



Crl.O.P.(MD) No.5848 of 2024

ORDER

WEB COPY

The petitioner is an accused in Crime No.64 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 294(b), 323, 506(i) IPC and Sections 3(1)(r), 3(1)(s) 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 petitioner claims that this case is a foisted one and he will prove his innocence. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioner is inclined to surrender before the Special Court concerned and to seek regular bail. However, the petitioner seeks 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



CrI.O.P.(MD) No.5848 of 2024

similar orders, the petitioner prays for similar directions.

WEB COPY

4.In this case, both the petitioner and the defacto complainant belongs to rival political parties. Due to the messages uploaded by the petitioner in the social media, there was a wordy quarrel between the parties.

5.Considering the nature of offence and facts and circumstances of the case, the similar such orders passed by this Court, this petition is disposed of with a direction to the petitioner to surrender within a period of *two weeks* from today before learned ***III Additional District Judge (PCR Court), Madurai***, which in turn is directed to entertain the bail application if any filed by this petitioner 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.



Crl.O.P.(MD) No.5848 of 2024

6.This Criminal Original Petition is disposed of accordingly.

WEB COPY

17.04.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

PNM

To

1.The III Additional District Judge (PCR Court), Madurai

2. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Oomachikulam,
Madurai District.

3. The Inspector of Police,
Appanthiruppathy Police Station,
Madurai District. in Crime No.64/2024.

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



WEB COPY



Crl.O.P.(MD) No.5848 of 2024

B.PUGALENDHI, J.

PNM

ORDER IN
CRL.O.P (MD) No.5848 of 2024

17.04.2024