



CrI.O.P.(MD) No.5973 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5973 of 2024

1. Thilak @ P.Thilakan

2. S.Pitchai @ Pichaimuthu

... Petitioners

Vs

1. The Deputy Superintendent Of Police,
Oddanchatram Sub Division,
Dindigul District.

2. The Inspector of Police,
Sempatti Police Station,
Dindigul District.
Crime No.132 of 2024.

3. Thiruvencatam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Sessions Judge, Special Court for trial cases registered under SC/ST(POA)Act, Dindigul to accept the surrender of the Petitioners and consider their bail application and grant Bail on the same date.



WEB COPY



CrI.O.P.(MD) No.5973 of 2024

For Petitioners : Mr. Aakash Elango

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

ORDER

The petitioners are the accused in Crime No.132 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 147, 148, 294(b), 324, 307 and 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

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

3.The learned counsel for the petitioners submitted that the



CrI.O.P.(MD) No.5973 of 2024

petitioners are arrayed as A11 and A12. Due to political motive, 22 persons are said to have abused the defacto complainant by degrading his community and also assaulted him. He further submitted that the petitioners also belong to the Scheduled Caste community and they are also having Community Certificate to that effect. More over, on the date and time of occurrence, the petitioners were away from the place of occurrence, at a distance of 30 kms. In support of his contention, he has also placed certain G.P.S. Location details to that effect. The first petitioner is working in a Private College and second petitioner is the father of A1.

4.The learned Government Advocate (CrI.Side) submitted that in this case four victims had sustained injuries, out of which, three injured were discharged from the hospital. However, one of the victims is still taking treatment in the hospital.

5.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.



CrI.O.P.(MD) No.5973 of 2024

6.Considering the materials placed by the learned counsel for the petitioners and the petitioners are also belonging to the same community 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 the date of receipt of copy of this order before learned ***Sessions Judge, Special Court for trial cases registered under SC/ST(POA)Act, Dindigul***, who 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.

7.This Criminal Original Petition is disposed of accordingly.

29.04.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No

Note: Issue order copy on 02.05.2024
PNM

4/6



CrI.O.P.(MD) No.5973 of 2024

To

1. The Sessions Judge,
Special Court for trial cases registered under SC/ST(POA)Act, Dindigul

2. The Deputy Superintendent Of Police,
Oddanchatram Sub Division,
Dindigul District.

3. The Inspector of Police,
Sempatti Police Station,
Dindigul District.
Crime No.132 of 2024.

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



WEB COPY



Crl.O.P.(MD) No.5973 of 2024

B.PUGALENDHI, J.

PNM

ORDER IN
CRL.O.P (MD) No.5973 of 2024

29.04.2024