



CrI.O.P.(MD)No.6188 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.6188 of 2024

1.Muthaiah

2.Muniyammal

3. Ramakrishnan

4.Baskaran

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Bodinayakkanur, Theni District.

2.The Inspector of Police
Bodinayakkanur Rural Police Station,
Theni District.
Crime No.97 of 2024.

3. Barathi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Special Court for the Exclusive Trial of SC and ST Cases Theni to consider the bail application on their surrender on the same day if any petition filed by the Petitioners in Crime No.97 of 2024 on the file of 2nd Respondent.

For Petitioners

: Mr.R.Maheswaran

For R1 & 2

: Mr.M.Sakthi Kumar
Government Advocate (CrI.Side)



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ORDER

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The petitioners have filed this Petition to direct the Special Court for the Exclusive Trial of SC and ST Cases Theni, to consider the bail application of the petitioners in Crime No.97 of 2024 on the file of the respondent police on the date of surrender itself.

2. The case of the prosecution is that the petitioners have trespassed into the house of the defacto complainant and damaged the fencing and also threatened her by using her caste name. Based on the complaint of the defacto complainant, a case in Crime No.97 of 2024, for the offences under Sections 427, 294(b) and 506 (i) I.P.C r/w. Sections 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST (POA) Act, was registered against the petitioners.

3. The learned Government Advocate (Criminal Side) submits that no one is injured in this case and the petitioners are not having any previous case.

4. 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 claim that this case is a foisted one and he can prove their innocence. In view of the bar under Section 18 of the SC/ST (POA) Act, the



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petitioner is inclined to surrender before the Special Court concerned and to seek regular bail. However, the petitioner seek a direction for disposal of the bail application on the same day.

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 petitioner pray for similar directions.

6. Considering the facts and circumstances, 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 the date of receipt of a copy of this order before the Special Court for the Exclusive Trial of SC and ST Cases Theni, which, in turn, is directed to entertain the bail application if any filed by these petitioners on the same day. The Public Prosecutor concerned is expected to be available in the Courts and the Public Prosecutor 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.

Index : Yes/No

23.04.2024

NCC : Yes/No

LS

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B.PUGALENDHI,J

LS

To

- 1.The Special Court for the Exclusive Trial of SC and ST Cases
Theni.
2. The Deputy Superintendent of Police,
Bodinayakkanur, Theni District.
- 3.The Inspector of Police
Bodinayakkanur Rural Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.6188 of 2024

23.04.2024