

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.6339 of 2024

1. Shanmugam @ Shanmugavel

2. Alagiri @ Alagarsamy

3. Guna @ Vellaisamy

... Petitioners

Vs

1.State represented by
The Deputy Superintendent of Police,
Tirupattur,
Sivagangai District.

2.The Inspector of Police,
Singampunari Police Station,
Sivagangai.
Crime No.113 of 2024

3.Kaliyarasan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Principal District and Sessions Judge (PCR) Court, Sivagangai, to consider the bail application on the surrender of the petitioner on the same day in Crime No.113 of

2024 on the file of the respondent police on merits on the same day.

For Petitioners	: Mr.S.Mahesh Babu
For R-1 & R-2	: Mr.P.Kottai Chamy
	Government Advocate (Crl. side)

ORDER

The petitioners are accused in Crime No.113 of 2024 on the file of the second respondent police. The said case was registered for the offence under Sections 294(b), 323, and 506(i) of IPC and Sections 3(1)(r) and 3(1)(s) of Scheduled Castes and 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 can 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.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 and circumstances, 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 a copy of this order before the learned Principal District and Sessions Judge (PCR) Court, at Sivagangai, 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.

25.04.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

jbr

Note: Issue on 26.04.2024

B.PUGALENDHI,J

jbr

To

1.The Principal District and Sessions Judge (PCR) Court,
Sivagangai,

2.The Deputy Superintendent of Police,
Tirupattur,
Sivagangai District.

3.The Inspector of Police,
Singampunari Police Station,
Sivagangai.

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

Order made in
Crl.O.P.(MD)No.6339 of 2024

25.04.2024