



Crl.O.P.(MD) Nos.6497 and 6526 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) Nos.6497 and 6526 of 2024

Kumaresan

... Petitioner in Crl.O.P(MD) No.5497 of 2024

Jawahar

... Petitioner in Crl.O.P(MD) No.6526 of 2024

Vs

1. The Deputy Superintendent Of Police,
Srivilliputhur Sub Division,
Virudhunagar District.

2. The Inspector of Police,
Vanniyampatti Vilakku Police Station,
Virudhunagar District. Crime No. 33 of 2024.

3. Velraj

... Respondents in both petitions

COMMON PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Judge, Special court for the exclusive trial of SC and ST cases, Virudhunagar District at Srivilliputhur to consider the bail application of the petitioners on the same day of surrender in Crime No. 33 of 2024 on the file of the R2.



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For Petitioners : Mr. V.Uthayakumar

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

ORDER

The petitioners are the accused in Crime No.33 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 323 and 506(i) IPC and Sections 3(1)(r), 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.



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3.The learned counsel for the petitioners submitted that the petitioner in Crl.OP(MD) No.6526 of 2024 is an Executive Officer of the temple and the petitioner in Crl.OP(MD) No.6497 of 2024 is the Takkar of the said temple. Since the temple property has been encroached by the Village Administrative Officer, the Temple has filed a civil suit before the Sub Court, Srivilliputhur in O.S.No.60 of 2022 and the same is pending. In this context, a false case has been foisted against the petitioners.

4.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.

5.Considering the aforesaid facts 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 ***Judge, Special court for the exclusive trial of SC and ST cases, Virudhunagar District at Srivilliputhur***, who in turn is directed to entertain the bail applications if



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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.

5.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

To

1. The Judge, Special court for the exclusive trial of SC and ST cases, Virudhunagar District at Srivilliputhur

2. The Deputy Superintendent Of Police,
Srivilliputhur Sub Division,
Virudhunagar District.

3. The Inspector of Police,
Vanniyampatti Vilakku Police Station,
Virudhunagar District. Crime No. 33 of 2024.

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

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B.PUGALENDHI, J.

PNM

COMMON ORDER IN
CRL.O.P (MD) Nos.6497 and 6526 of 2024

29.04.2024