



CrI.O.P.(MD) No.6612 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.6612 of 2024

Minush @ Munish,

... Petitioner

Vs

1. The Deputy Superintendent Of Police,
Pudukkottai Division,
Pudukkottai District.

State represented by
2. The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.
Cr.No.11/2024.

3. Jothibas,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned District and Sessions Judge (Special Court for PCR Cases), Pudukkottai to accept the surrender of the petitioner and consider the bail application on the same day on merit relating to Crime No. 11/2024 dated 18.01.2024.



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For Petitioner : Mr.D.Rameshkumar

For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

The petitioner is an accused in Crime No.11 of 2024, on the file of the respondent police. The said case was registered for the offence under Section 294(b), 323 and 506(1) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2.The learned Counsel for the petitioner submits that the petitioner was affected by smallpox and therefore, he was not able to appear before the trial Court as directed by this Court in Crl.O.P(MD)No.3424 of 2024, vide order dated 04.03.2024. This is the second petition.

3.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



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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.

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 petitioner prays for similar directions.

5.Considering the facts and circumstances of the case and that the petitioner was affected by smallpox, the similar such orders passed by this Court, this petition is disposed of with a direction to the petitioner to surrender and produce a medical certificate to the effect that the petitioner has been affected by smallpox, within a period of two weeks from the date of receipt of a copy of this order, before the learned District and Sessions Judge (Special Court for PCR Cases), Pudukkottai, who in turn is directed to entertain the bail application, that too, if he/she satisfied with the medical records to be produced by the petitioner, if any filed by this petitioner on the same of day. The Public Prosecutors are expected to be available in the



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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.

6.This Criminal Original Petition is disposed of accordingly.

30.04.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

LR

Note: Issue order copy on 02.05.2024

To

1.The District and Sessions Judge
(Special Court for PCR Cases), Pudukkottai.

2. The Deputy Superintendent Of Police,
Pudukkottai Division,
Pudukkottai District.

3. The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.

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

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B.PUGALENDHI, J.

LR

ORDER IN
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