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Crl.O.P.(MD)No.8043 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.8043 of 2024

1.Yogeshwaran
2.Ramalingam
3.Kaliammal
4.Nagarajan
5.Thiyagarajan ... Petitioners/Accused Nos.1 to 5

Vs.

1.State through the
The Assistant Commissioner of Police,
Fort, Trichy City. ...Respondent/Investigation Officer

2.The State Rep. By
The Inspector of Police,
All Women Police Station,
Fort, Trichy City.
(Crime No.9 of 2024) ...Respondents/complainant

3.Yuvarani ... Respondent/defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Special Court for Exclusive Trial of cases Under SC/ST (POA) Act, Trichy pleased to accept the surrender of the petitioners and consider the petitioners bail application on the date of surrender itself in Crime No.9 of 2024 on the file of 2nd Respondent police.

For Petitioners : Mr.R.Venkatesan
For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)



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ORDER

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The petitioners have filed this Petition to direct the learned Special Court for Exclusive Trial of cases Under SC/ST (POA) Act, Trichy pleased to accept the surrender of the petitioners and consider the petitioners bail application on the date of surrender itself in Crime No.9 of 2024 on the file of 2nd respondent police.

2. The case of the prosecution is that the 1st petitioner and the defacto complainant/3rd respondent loved each other and thereafter, she got pregnant, due to the love affair with the 1st petitioner. Based on the complaint of the defacto complainant, a case in Crime No.9 of 2024, for the offences under Sections 417, 420, 506(i), 294(b) I.P.C and Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989, was registered against the petitioners.

3. The learned Counsel for the petitioners has produced a photo that the defacto complainant - Yuvarani aged about 23 years is having relationship with other persons and falsely foisted case as against the petitioners.



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4. The learned Government Advocate (Criminal Side) submits that the defacto complainant and A1 had love affairs and he promised her to marry, had sexual intercourse with her and she became pregnant.

5. 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.

6. 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.

7. 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 Special Court for Exclusive Trial of cases



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Under SC/ST (POA) Act, Trichy , 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
NCC : Yes/No
LS/RJR

12.06.2024

Note: Issue order copy on **14.06.2024**

To

- 1.The learned Special Court for Exclusive Trial of cases Under SC/ST (POA) Act, Trichy.
- 2.The Assistant Commissioner of Police,
Fort, Trichy City.
- 3.The Inspector of Police,
All Women Police Station,
Fort, Trichy City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

LS/RJR

Order made in
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