



CrI.O.P.(MD)No.8291 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.8291 of 2024

Vinith @ Vinithkumar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Sivagangai Sub division,
Sivagangai District.

2.The Inspector of Police
Kalaiyarkoil Police Station,
Sivagangai District.
Crime No.266 of 2024.

3.Thamilkodi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Additional District and Sessions Judge (PCR) Court, Sivagangai, to consider the bail application to be filed by the petitioner on the same day on his surrender in connection with Crime No.266 of 2024, on the file of the second respondent.



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For Petitioner : Mr.G.Sarath Kumar
For R1 & 2 : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

ORDER

The petitioner has filed this Petition to direct the Additional District and Sessions Judge (PCR) Court, Sivagangai, to consider the bail application of the petitioner in Crime No.266 of 2024 on the file of the respondent police on the date of surrender itself.

2. The case of the prosecution is that the petitioner and other accused have abused the defacto complainant in filthy language and also threatened her by using her caste name. Based on the complaint of the defacto complainant, a case in Crime No.266 of 2024, for the offences under Sections 294(b) and 506(ii) I.P.C and r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(s) of Scheduled Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, was registered against the petitioner.



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3. The learned Government Advocate (Criminal Side) submits that no one is injured in this case and the petitioner is 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 petitioner is 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.

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 prays 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



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of a copy of this order before the Additional District and Sessions Judge (PCR) Court, 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.

Index : Yes/No
NCC : Yes/No
LS

07.06.2024

Note: Issue order copy on **10.06.2024**

To

- 1.The Additional District and Sessions Judge (PCR) Court,
Sivagangai
2. The Deputy Superintendent of Police,
Sivagangai Sub division,
Sivagangai District.
- 3.The Inspector of Police
Kalaiyarkoil Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

LS

Order made in
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