



CRL OP(MD). No.8439 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.06.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.8439 of 2024

1. Gunasekaran
2. Madhavan @ Murali ... Petitioners

versus

1. The State Rep. by
The Deputy Superintendent of Police,
Mannargudi Sub-Division,
Mannargudi,
Tiruvarur District.

2. The Inspector of Police,
Thalayamangalam Police Station,
Tiruvarur District.

3. Jeevanandam ... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned I Additional District and Sessions Judge for SC/ST Act Cases (PCR Court), Thanjavur, to consider and pass orders on bail application to be filed by the petitioners in connection with Crime No.48 of 2024 pending on the file of the 2nd respondent on the same day.



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For Petitioner : Mr.S.Kanagarajan
For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

The petitioners are the accused in Crime No.48 of 2024 on the file of the 2nd respondent. The said case was registered for the offence under Sections 294(b), 324 and 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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 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.



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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 I Additional District and Sessions Judge for SC/ST Act Cases (PCR Court), Thanjavur, which, in turn, is directed to entertain the bail application if any filed by the 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.

11.06.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

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Note: Issue order copy on 12.06.2024

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To

1. The learned I Additional District and Sessions Judge for SC/ST Act Cases (PCR Court), Thanjavur.
2. The Deputy Superintendent of Police, Mannargudi Sub-Division, Mannargudi, Tiruvarur District.
3. The Inspector of Police, Thalayamangalam Police Station, Tiruvarur District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Order made in
CrI.O.P.(MD)No.8439 of 2024

11.06.2024