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CrI.O.P.(MD)No.8510 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.8510 of 2024

1.Thandeeswaran
2.K.Saravanakumar ... Petitioners/Accused Nos.1 & 2

Vs.

1.The Deputy Superintendent of Police,
Trichy Railway Division,
Trichy District.

2.The Inspector of Police,
Tirunelveli Railway Station,
Tirunelveli District.
(In Crime No.49 of 2024)

3.Karnamaharaja ... Respondents/Victims/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned District and Sessions Court(PCR Cases) Tirunelveli, Tirunelveli District to consider the bail application of the petitioners to be filed in Crime No.49 of 2024 on the file of the 2nd respondent police and to accept their surrender on the same day on merits.

For Petitioners	: Mr.R.Balamuruganantham
For R1 & R2	: Mr.B.Thanga Aravindh Government Advocate (CrI.Side)

ORDER

The petitioners have filed this Petition to direct the learned

District and Sessions Court (PCR Cases) Tirunelveli, Tirunelveli District to

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consider the bail application of the petitioners to be filed in Crime No.49 of 2024 on the file of the 2nd respondent police and to accept their surrender on the same day on merits.

2. The case of the prosecution is that on 29.05.2024 due to the motive between the two groups, there was a wordy quarrel in respect of political dispute at the time petitioners abused the defacto complainant by using his caste name and also attacked the defacto complainant. Based on the complaint of the defacto complainant, a case in Crime No.49 of 2024, for the offences under Sections 294(b), 323, 506(ii) of IPC and Sections 3(1),(r), 3(1), (s), 3(2) (va) of SC/ST(POA) Act, was registered against the petitioners.

3. The learned Government Advocate (Criminal Side) submits that the petitioners and the defacto complainant are railway employees and the investigation is pending.

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



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seek regular bail. However, the petitioners seek 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 petitioners pray 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 petitioners to surrender within a period of two weeks from the date of receipt of a copy of this order before the District and Sessions Court (PCR Cases) Tirunelveli, Tirunelveli District, 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
RJR/LS

12.06.2024

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B.PUGALENDHI,J

LS/RJR

To

1.The learned District and Sessions Court(PCR Cases) Tirunelveli,
Tirunelveli District .

2.The Deputy Superintendent of Police,
Trichy Railway Division,
Trichy District.

3.The Inspector of Police,
Tirunelveli Railway Station,
Tirunelveli District.

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

Order made in
Crl.O.P.(MD)No.8510 of 2024

12.06.2024