



CrI.O.P.(MD)No.8852 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.8852 of 2024

Nehru

... Petitioner

Vs.

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

2. The Inspector of Police
Kalaiyarkoil Police Station,
Sivagangai District.
Cr No.190/2024

3. Durairaj

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Special Court for Trial of Cases Under SC/ST(POA) Act Sivagangai, to accept the surrender of the petitioner and consider his bail application on same day in connection with crime no. 190 of 2024 on the file of the 2nd respondent.

For Petitioner

: Mr.G.Mathavan

For R1 & 2

: Mr.P.Kottai Chamy
Government Advocate (CrI.Side)



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ORDER

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The petitioner has filed this Petition to direct the Special Court for Trial of Cases Under SC/ST(POA) Act Sivagangai, to consider the bail application of the petitioner in Crime No.190 of 2024 on the file of the second respondent police on the date of surrender itself.

2. The case of the prosecution is that the petitioner abused the defacto complainant in filthy language and using his caste name and also threatened him with dire consequences. Based on the complaint of the defacto complainant, a case in Crime No.190 of 2024, for the offence under Sections 147, 294(b) and 506 (I) I.P.C and Sections 3 (1) (r), 3 (1)(s) and 3(1) (p) of Scheduled Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, was registered against the petitioner.

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 claims that this case is a foisted one and he can prove his innocence. In view of the bar under Section 18 of the SC/ST (POA) Act, the



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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 of a copy of this order before the Special Court for Trial of Cases Under SC/ST(POA) Act Sivagangai, which, in turn, is directed to entertain the bail application if any filed by the petitioner 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

19.06.2024

Note: Issue order copy on **21.06.2024**

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B.PUGALENDHI,J

LS

To

- 1.The District Principal Additional Sessions Judge PCR Court,
Trichy.
2. The Deputy Superintendent of Police,
Thuvakudi, Trichy District.
- 3.The Sub Inspector of Police
Thuvakudi Police Station, Trichy,
Trichy District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.(MD)No.8852 of 2024

19.06.2024