



CRL OP(MD)No.8959 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20.06.2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD)No.8959 of 2024

G.Nibanthan

... Petitioner

Vs

1.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Periyakulam Sub Division,
Periyakulam, Theni District.

2.The Inspector of Police,
Devadanapatti Police Station,
Theni District.

3.Arivalagan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the Special Court for Exclusive Trial of SC and ST Act Cases, Theni to consider the bail application that will be filed by the petitioners on the same day in Crime No.203 of 2024 on the file of the second respondent Police Station.

For Petitioners

: Mr.A.Abdulkabur

For R1 & R2

: Mr.P.Kottaichamy,
Government Advocate(Crl.side)



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ORDER

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The petitioner is an accused in Crime No.203 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 294(b), 506(i) IPC and Sections 3(1)(r), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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 petitioner claims that this case is a foisted one and he will prove his 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.

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 petitioner prays for similar directions.



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4.Considering the facts and circumstances, the similar such orders passed by this Court, this petition is allowed 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 Exclusive Trial of SC and ST Act Cases, Theni and the learned Presiding Officer of the Special Court is directed to entertain the bail application if any filed by this 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.

20.06.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns



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B.PUGALENDHI,J

gns

To

- 1.The Special Court for Exclusive Trial of SC and ST Act Cases,
Theni.
- 2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Periyakulam Sub Division,
Periyakulam, Theni District.
- 3.The Inspector of Police,
Devadanapatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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