



CRL OP(MD)No.9004 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 20.06.2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD)No.9004 of 2024

A.Thangam

... Petitioner

Vs

1.The Assistant Commissioner of Police,
Thallakulam, Madurai City.
(Crime No.880 of 2022)

2.The Inspector of Police,
D-1, Thallakulam Police Station,
Madurai City.

3.P.Jeyendhiran

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the learned 3rd Additional District and Sessions Judge for the Exclusive Trial of PCR Act, Cases, Madurai to consider and dispose the bail application surrender on the same day for the petitioner / Accused No.3 in unnumbered Spl.S.C.No. of 2024 pending before the said Court (in earlier STC.No.6327 of 2023 on the file of the JM-II, Madurai) in Crime No.880 of 2022 dated 14.12.2022 on the file of the second respondent Police.



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For Petitioners : Mr.I.Pinaygash
For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate(Crl.side)

ORDER

The petitioner is an accused in Crime No.880 of 2022 on the file of the second respondent police. The said case was registered for the offence under Sections 294(b), 323, 506(i) IPC and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015.

2.It appears that the petitioner and the defacto complainant are relatives and there is a civil dispute between them. 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 her 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.

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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 petitioner prays for similar directions.

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 learned 3rd Additional District and Sessions Judge for the Exclusive Trial of PCR Act, Cases, Madurai 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
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B.PUGALENDHI,J

gns

To

- 1.The 3rd Additional District and Sessions Judge
for the Exclusive Trial of PCR Act, Cases,
Madurai.
- 2.The Assistant Commissioner of Police,
Thallakulam,
Madurai City.
- 3.The Inspector of Police,
D-1, Thallakulam Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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