



CRL OP(MD)No.9209 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 25.06.2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD)No.9209 of 2024

Gowsik @ Sivagurunathan

... Petitioner

Vs

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

2.The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
(In Crime No.159 of 2023)

3.Raja

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Special Court for SC/ST (Prevention of Atrocities) Act, Sivagangai to accept the surrender of the petitioner in connection with the Crime No.159 of 2023 on the file of the second respondent police and to consider the petitioner's bail application on the same day.

For Petitioner

: Mr.R.Rajeshkumar



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For R1 & R2

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

ORDER

The petitioner is an accused in Crime No.159 of 2023 on the file of the respondent police. The said case was registered for the offence under Sections 147, 148, 294(b), 342, 324, 506(2) IPC, Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act and Sections 3(1)(r), 3(1)(s) of the 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.



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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 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 SC/ST (Prevention of Atrocities) Act, Sivagangai 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.

25.06.2024

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

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To

1.The Special Court for SC/ST (Prevention of Atrocities) Act,
Sivagangai.

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

2.The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.

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



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B.PUGALENDHI,J

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