



CRL OP(MD). No.9196 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 01.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.9196 of 2024

1. Vicky @ Vivek

2. Thirugnanam @

Thiruganasambantham

... Petitioners/A1 and A3

versus

1. State Rep. by

The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai.

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

3. Vishva

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Additional District and Sessions Judge, Special Court for the Exclusive Trial of PCR Act Cases, Sivagangai, to consider the bail application on the same day on their surrender in connection with Crime No.167 of 2024 for the alleged offences under Sections 294(b), 324, 506(2) IPC and Sections 3(1)(r),



CRL OP(MD). No.9196 of 2024

3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 on the file of the
2nd respondent Police.

For Petitioners : Mr.Porkodi Karnan
For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

The petitioners are the accused Nos.1 and 3 in Crime No.167 of 2024 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 294(b), 324, 506(2) IPC and Sections 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989. Therefore, the petitioners have moved this petition seeking a direction to the learned Additional District and Sessions Judge, Special Court for the Exclusive Trial of PCR Act Cases, Sivagangai, to consider their bail petitions on the date of surrender.

2. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case. In fact, the defacto complainant and his friends, who were under the influence of alcohol during a marriage function,



CRL OP(MD). No.9196 of 2024

picked up a quarrel with the petitioners and abused them in filthy language. But, this case has been foisted against the petitioners. He further submits that Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioners are inclined to surrender before the Special Court concerned and to seek regular bail. Therefore, the petitioners seek a direction for disposal of the bail application on the same day.

3. The learned Government Advocate (Crl. Side) submits that the specific overt act of assault is only as against the second accused. The petitioners herein are accused 1 and 3 and there is no specific overt act as against them. He further submits that the petitioners are not having any previous case.

4. Considering the facts and circumstances of the case, 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 learned Additional District and Sessions Judge, Special Court



CRL OP(MD). No.9196 of 2024

for the Exclusive Trial of PCR Act Cases, Sivagangai, who, in turn, is directed to entertain the bail applications, if any filed by the 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 applications in any event shall be disposed on merits on the same day.

01.07.2024

Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.

ogy

Note: Issue order copy on 02.07.2024

To

1. The learned Additional District and Sessions Judge,
Special Court for the Exclusive Trial of PCR Act Cases,
Sivagangai.
2. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai.
3. The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4/5



WEB COPY



CRL OP(MD). No.9196 of 2024

B.PUGALENDHI, J.

ogy

Order made in
CrI.O.P.(MD)No.9196 of 2024

01.07.2024