



CRL OP(MD)No.9166 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 28.06.2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD)No.9166 of 2024

1.Kumara Vadivel

2.Pugalenth

3.Naveen @ Naveen Kumar

4.Pradeep Kumar @ Pradeep

... Petitioners

Vs

1.The Deputy Superintendent of Police,
Dindigul Rural Sub Division,
Dindigul District.

2.The State Rep.by
The Sub Inspector of Police,
Natham Police Station,
Dindigul District.
(In Crime No.344 of 2024)

3.Maruthupandi

... Respondents



CRL OP(MD)No.9166 of 2024

WEB COPY

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to permit the petitioners to surrender and accept the bail application filed by the petitioners before the Special Court for SC & ST (POA) Act, Dindigul in connection with Crime No.344 of 2024 on the file of the second respondent Police and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.

For Petitioners : Mr.K.R.Badurus Zaman

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

ORDER

The petitioners are accused in Crime No.344 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 147, 148, 294(b), 324 IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



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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 petitioners claim that this case is a foisted one and they will prove their innocence. 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. However, the petitioners seek 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 petitioners pray for similar directions.

4. Considering the facts and circumstances, the similar such orders passed by this Court, this petition is allowed with a direction



CRL OP(MD)No.9166 of 2024

to the petitioners 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 (POA) Act, Dindigul and the learned Presiding Officer of the Special Court is directed to entertain the bail application 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 application in any event shall be disposed on merits on the same day.

28.06.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
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CRL OP(MD)No.9166 of 2024

To

- 1.The Special Court for SC & ST (POA)Act,
Dindigul.
- 2.The Deputy Superintendent of Police,
Dindigul Rural Sub Division,
Dindigul District.
- 3.The Sub Inspector of Police,
Natham Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL OP(MD)No.9166 of 2024

B.PUGALENDHI,J

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Crl.O.P.(MD)No.9166 of 2024

28.06.2024