



CRL OP(MD). No.9589 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

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Bharathvaj

... Petitioner

versus

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

2. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

3. Samuvel Recklan Durai

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the III Additional District Court for PCR Act Cases, Madurai to consider the bail application filed by the petitioner and pass order in the bail application filed by the petitioner on the same date of his surrender in Crime No.123 of 2024 on the file of the



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respondent No.2 in accordance with law.

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For Petitioner : Mr.R.Manickaraj
For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner is the accused in Crime No.123 of 2024 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 147, 148, 294(b), 323, 324, 427, 307 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has moved this petition seeking a direction to the learned III Additional District Judge, (PCR Court), Madurai, to consider his bail petition on the date of surrender.

2. The learned counsel appearing for the petitioner submits that the petitioner's name has not been mentioned in the FIR and only on the confession statement of the co-accused, the petitioner has been added as an accused in this case. He further submits that the case was originally registered as against six named persons and others. Now, the respondent



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Police has included 22 persons as accused in this case. The specific overt act is attributed only as against A1 to A6. 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 petitioner is inclined to surrender before the Special Court concerned and to seeks regular bail. Therefore, the petitioner seeks a direction for disposal of the bail application on the same day.

3. Heard the learned Government Advocate (Crl. Side) appearing for the respondents Police.

4. Considering the facts and circumstances of the case, 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 III Additional District Court for PCR Act Cases, Madurai, which, in turn, is directed to entertain the bail application, if any filed by the petitioner on the same day. The Public Prosecutor concerned is expected to be available in the Courts and the Public Prosecutor can very



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well get instructions with the available scientific modes. The bail application in any event shall be disposed on merits on the same day.

01.07.2024

Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

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Note: Issue order copy on 02.07.2024

To

1. The III Additional District Court for PCR Act Cases,
Madurai.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.
3. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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Order made in
CrI.O.P.(MD)No.9589 of 2024

01.07.2024