



CRL OP(MD)No.10053 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 15.07.2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD)No.10053 of 2024

1.Selvarajesh

2.Karthick @ Harikrishnan

... Petitioners

Vs

1.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

2.The Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram District.

3.Vinothkumar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Sessions and Special Court for trial of SC/ST (POA)Act Cases, Ramanathapuram to consider bail application of the petitioners in connection with the FIR in Crime No.116 of 2024 on the file of the first respondent Police on the very same day of surrender of the petitioners and consequently, to enlarge the petitioners on bail on the very same day on merits.



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For Petitioners : Mr.B.Mahendrarajan
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

ORDER

The petitioners are accused in Crime No.116 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 341, 294(b), 323, 324, 506(ii) IPC, Section 4 of the Tamilnadu Prohibition of Harassment of Women Act and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

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.

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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 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 to the petitioners to surrender within a period of two weeks from the date of receipt of a copy of this order before the Sessions and Special Court for trial of SC/ST (POA)Act Cases, Ramanathapuram and the learned Presiding Officer of the Special Court is directed to entertain the bail application if any filed by this 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.

15.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

- 1.The Sessions and Special Court for trial of SC/ST (POA)Act Cases,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
- 3.The Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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