



CRL OP(MD)No.9796 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.9796 of 2024

1.Mugunthan

2.Subash

3.Ajay

... Petitioners

Vs

1.The Deputy Superintendent of Police,
Melur, Madurai District.

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Cr.No.123 of 2024)

3.Samuvel Reckkland Durai

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Principal District and Sessions Judge (PCR Cases), Madurai, Madurai District to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.123 of 2024 dated 27.05.2024 on the file of the second respondent Police.



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For Petitioners : Mr.S.Saravana Kumar
For Respondents : Mr.P.Kottaichamy,
Government Advocate(Crl.side)

ORDER

The petitioners are accused in Crime No.123 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 147, 148, 294(b), 323, 324, 427, 307 IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2.The learned counsel appearing for the petitioners submits that the third respondent does not belong to scheduled caste. However, the second respondent police registered the case for the offence under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.The learned Government Advocate(Crl.side) appearing for the official respondents submits that the defacto complainant is not



belonging to SC/ST community. However, the other three injured persons in this case are belonging to SC/ST community.

4.It is not the case of the victims that they have been abused by mentioning their caste name. However, the respondent Police registered the present case for the offences under the provision of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5.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.

6.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.



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7.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 learned Principal District and Sessions Judge (PCR Cases), Madurai, Madurai District 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 Principal District and Sessions Judge (PCR Cases),
Madurai,
Madurai District.
- 1.The Deputy Superintendent of Police,
Melur, Madurai District.
- 2.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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