



CRL OP(MD)No.10371 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 12.07.2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD)No.10371 of 2024

1.Thalavai @ Dhanus

2.Petchiammal

... Petitioners

Vs

1.The Assistance Commissioner of Police,
Tirunelveli Junction,
Tirunelveli, Tirunelveli City.

2.State rep by Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City,
Tirunelveli.
(Crime No.231 of 2024)

3.Manimala

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the II Additional District Court cum PCR Court, Tirunelveli to consider the bail application of the petitioners herein on the same day of surrender pertaining to the Crime No.231 of 2024 on the file of the second respondent Police.

For Petitioners

: Mr.N.Vignesh



CRL OP(MD)No.10371 of 2024

For Respondents

: Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

ORDER

The petitioners are accused in Crime No.231 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 296(b), 115(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment 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.



CRL OP(MD)No.10371 of 2024

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 II Additional District Court cum PCR Court, Tirunelveli 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.

12.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

3/5



WEB COPY



CRL OP(MD)No.10371 of 2024

To

- 1.The II Additional District Court cum PCR Court,
Tirunelveli.
- 1.The Assistance Commissioner of Police,
Tirunelveli Junction,
Tirunelveli, Tirunelveli City.
- 2.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL OP(MD)No.10371 of 2024

B.PUGALENDHI,J

gns

Crl.O.P.(MD)No.10371 of 2024

12.07.2024