



CRL OP(MD). No.10468 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

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1. Muthupillai
2. Thangavel

... Petitioners

versus

1. The State
Rep. by the Deputy Superintendent
of Police (Rural),
Vedasendur Taluk,
Dindigul District.

2. The State,
Rep. by the Inspector of Police,
Koombur Police Station,
Vedasendur Taluk,
Dindigul District.

3. Muthusamy

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Sessions Judge, Special Court for Exclusive trial of cases under SC/ST (POA) Act, Dindigul District, to dispose the bail application filed by the



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petitioners on merits on the same day on their surrender before the above mentioned concerned court in pending investigation in Crime No.120 of 2024 on the file of the Inspector of Police, Koombur Police Station, Vedaasendur Taluk, Dindigul District.

For Petitioners : Mr.S.Sarvagan Prabhu

For R1 and R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. side)

ORDER

The petitioners are accused in Crime No.120 of 2024 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 296(b), 115(2), 351(3) of BNS (Equivalent IPC Sections 294, 323, 506 of IPC) and Sections 3(1)(r), 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, the petitioners have moved this petition seeking a direction to the learned Sessions Judge, Special Court for Exclusive trial of cases under SC/ST (POA) Act, Dindigul District, to consider their bail petitions on the date of surrender.



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2. The case of the prosecution is that the petitioners demanded money from the defacto complainant for the rice bag which was purchased by him. When he refused to pay the amount, the petitioners attacked him and also abused him in filthy language. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the defacto complainant has purchased one bag of rice for a sum of Rs.1,450/- from the first petitioner/A1, who is a rice merchant, two months back, however, he failed to pay the said amount and therefore, the alleged occurrence had taken place. 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 petitioners are inclined to surrender before the Special Court concerned and to seek regular bail. Therefore, the petitioners seek a direction for disposal of the bail application on the same day.



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4. Heard the learned Government Advocate (Crl. Sides)

appearing for the respondents Police.

5. Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of 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 Sessions Judge, Special Court for Exclusive trial of cases under SC/ST (POA) Act, Dindigul District, who, in turn, is directed to entertain the bail applications, 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 applications in any event shall be disposed on merits on the same day.

15.07.2024

Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.

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To

1. The Special Court for Exclusive trial of cases
under SC/ST (POA) Act,
Dindigul District .
2. The Deputy Superintendent of Police (Rural),
Vedasendur Taluk,
Dindigul District.
3. The Inspector of Police,
Koombur Police Station,
Vedasendur Taluk,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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