



CRL OP(MD)No.10703 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18.07.2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD)No.10703 of 2024

Karthigai Raja

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Periyakulam, Theni District.

2.The Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Cr.No.230 of 2024)

3.Selvendran

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to issue a direction directing the learned Special Court for Trial of SC and ST (POA) Act Cases, Theni, Theni District to accept the surrender of the petitioner and to consider his bail application on the same day on merits in connection with Crime No.230 of 2024 dated 02.07.2024 on the file of the second respondent Devadhanapatti Police Station, Theni District.

For Petitioners

: Mr.R.Murugappan

For Respondents

: Mr.P.Kottaichamy,
Government Advocate(Crl.side)



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ORDER

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The petitioner is an accused in Crime No.230 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 294(b), 323, 324, 506(ii) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2.The learned counsel appearing for the petitioner submits that the defacto complainant only assaulted the petitioner, for which, a criminal case was registered in Cr.No.443 of 2023 as against the defacto complainant. As a counter case, the present complaint has been foisted.

3.Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. The petitioner claims that this case is a foisted one and he will prove his innocence. 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 seek regular bail. However, the petitioner seeks a direction for disposal of the bail application on the same day.



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4.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 petitioner prays for similar directions.

5.Considering the facts and circumstances, the similar such orders passed by this Court, this petition is allowed 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 learned Special Court for Trial of SC and ST (POA) Act Cases, Theni, Theni District and the learned Presiding Officer of the Special Court is directed to entertain the bail application if any filed by this petitioner 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.

18.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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B.PUGALENDHI,J

gns

To

- 1.The Special Court for Trial of SC and ST (POA) Act Cases,
Theni, Theni District.
- 2.The Deputy Superintendent of Police,
Periyakulam, Theni District.
- 3.The Inspector of Police,
Devathanapatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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