



Crl.O.P.(MD)No.11008 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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1. Subbiramani
2. Rajeshwari,
3. Manikandan
4. Gayathri
5. Jeyaraman
6. Divya
7. Lakshmi
8. Muthaiah
9. Meena
10. Kalpana
11. Kamalesh

... Petitioners

Vs

- 1.The Deputy Superintendent of Police,
DSP Office,
Manamadurai,
Manamadurai 630606.

- 2.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

- 3.Rasammal

...Respondents



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Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to consider the bail application of the petitioners on merits in accordance with law on the same day in connection with Crime No.106/2024 dt 11.07.2024 on the file of the 2nd respondent by the Special Court for Exclusive Trial of cases under Section SC/ST (POD) Act, 1989, Sivagangai, within a stipulated time that may be fixed by this Court.

For Petitioners : Mr.R.Senthilkumar,
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl.side)

ORDER

The second respondent police has registered a case as against the petitioner for the alleged offence punishable under Sections 191(1), 296(b), 115(2), 118, 324, 303(1), 351(2) of IPC and Sections 3(1)(r) and 3(1) (s) of SC/ST (Prevention of Atrocities) Act, in Crime No.106 of 2024, dated 11.07.2024, on the file of the second respondent police.

2.The learned counsel for the petitioners claims that in fact, the defacto complainant has assaulted the first accused and in order to escape from the case registered as against the defacto complainant, the



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present case has been foisted as against the petitioners.

3.Mr.P.Kottaichamy, learned Government Advocate (Crl.side) takes notice for the respondents 1 and 2 and submits that there is a case and counter case.

4.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.

5.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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6.Considering the facts and circumstances, the similar such orders passed by this Court, this petition is disposed of with a direction to the petitioners to surrender within a period of two weeks from today before the learned Judge, Special Court for Exclusive Trial of cases under Section SC/ST (POD) Act, 1989, Sivagangai and the learned Judge of the Special Court is directed to entertain the bail applications if any filed by these petitioners on the same day. The Public Prosecutor concerned is expected to be available in the Court 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.

22.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

vrn



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- 1.The Special Court for Exclusive Trial of cases under Section SC/ST (POD) Act, 1989, Sivagangai
- 2.The Deputy Superintendent of Police,
DSP Office,
Manamadurai,
Manamadurai 630606.
- 3.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
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22.07.2024