



Crl.O.P.(MD)No.11015 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11015 of 2024

1. Dineshkumar
2. Tamaraikannan

... Petitioners

Vs

- 1.The District Superintendent of Police,
Theni.

- 2.The Inspector of Police,
Thenikarai Police Station,
Theni District.
Crime No. 298/2024.

- 3.Muthuvel
4. Veera Raja
5. Karmegham

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Principal District and Sessions Judge (Special court for Scheduled caste and Scheduled tribes (Prevention of Atrocities) Act 1989, Theni to accept the surrender of the petitioners and consider the petitioners bail application and grant bail on the date of surrender itself in Crime No.298 of 2024.



Crl.O.P.(MD)No.11015 of 2024

WEB COPY

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

ORDER

The petitioners are the accused in Crime No.298 of 2024. registered on the file of Thenikarai Police Station, Theni, for the offences, under Sections 191(2), 191(3), 296(B), 118(1), 351(3) of BNS, 2023 and r/w Section 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2.The petitioners claim that the occurrence had taken place during the temple festival and the case has been registered as against these petitioners that they are said to have accompanied A1.

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 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



Crl.O.P.(MD)No.11015 of 2024

(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.

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 petitioners pray for similar directions.

5.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 Principal District and Sessions Judge (Special court for Scheduled caste and Scheduled tribes (Prevention of Atrocities) Act 1989, Theni and the learned Judge 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 Court and the Public Prosecutor can very well get instructions with the



Crl.O.P.(MD)No.11015 of 2024

available scientific modes. The bail application in any event shall be disposed on merits on the same day.

25.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

vrn

To

- 1.The Principal District and Sessions Judge (Special court for SC/ST (Prevention of Atrocities) Act 1989, Theni.
- 2.The District Superintendent of Police,
Theni.
- 3.The Inspector of Police,
Thenikarai Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.11015 of 2024

B.PUGALENDHI,J

vrn

Order made in
Crl.OP(MD)No.11015 of 2024

25.07.2024