



Crl.O.P.(MD)No.11373 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11373 of 2024

1. G.Logith
2. Siva

... Petitioners

Vs

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

2.The Inspector of Police,
Devadanapatti Police Station,
Theni District.
Crime No.236/2023.

3.Selvam M

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Special Court for SC/ST(Prevention of Atrocities)Act, 1989, Theni to accept the surrender of the Petitioners/Accused Rank not Known and to consider their bail applications and grant bail on the date of surrender itself in Crime No.236 of 2024, dated 08.07.2024 on the file of the respondent No.2.



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For Petitioners : Mr.K.Dinesh,
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)

ORDER

The petitioners are the accused in Crime No.236 of 2024 registered on the file of the Inspector of Police, Devadanapatti Police Station, for the offences under Sections 191(2), 191(3), 296(b), 109(1) and 351(3) of BNS, 2023 and offences under Section 3(1)(r), 3(1)(s) and 3(1)(2)(v) of SC/ST (POA) Act, 2015.

2.Mr.M.Sakthi Kumar, learned Government Advocate (Crl.side) fairly submits that the victim in this case has been treated as outpatient as he suffered only a simple injury in his knee. However, the case has been registered for the offence under Section 307 IPC that all the accused have attempted to murder him.

3.Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act.



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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.

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 Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Theni 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



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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.

24.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

- 1.The Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Theni
- 2.The Deputy Superintendent of Police,
Periyakulam,
Theni District.
- 3.The Inspector of Police,
Devadanapatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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