



CrI.O.P.(MD)No.11536 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.11536 of 2024

Rajeshwari

... Petitioner

versus

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

2. The Inspector of Police,
Odapatti Police Station,
Theni District.

3. Guruvammal

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS and under Section 482 Cr.P.C., to direct the Special Court for trial of SC/ST Act Cases (PCR), Theni to consider the petitioner's bail application on the same day of her surrender in Crime No.119 of 2024 on the file of the respondent Police.



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For Petitioner : Mr.K.Kevinkaran
For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

The petitioner is an accused in Crime No.119 of 2024 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 296(b) and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has filed this petition seeking a direction to the Special Court for trial of SC/ST at Cases (PCR), Theni, to dispose of her bail application on the date of surrender.

2. The learned Government Advocate (Crl. Side) submits that the petitioner has borrowed a sum of Rs.8 lakhs from the defacto complainant. On the date of occurrence, when the defacto complainant went to the petitioner's house to ask the amount, the



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petitioner abused her by degrading his community. Therefore, the case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submits that the defacto complainant, in order to collect the money borrowed by the petitioner, has foisted this complaint and is attempting to collect the money through the Police. 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 petitioner is inclined to surrender before the Special Court concerned and to seek regular bail. Therefore, the petitioner seeks a direction for disposal of the bail application on the same day.

4. Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of 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 Special Court for trial of



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SC/ST at Cases (PCR), Theni, which, in turn, is directed to entertain the bail application if any filed by the 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.

25.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

1. The Special Court for trial of SC/ST Act Cases (PCR),
Theni.
2. The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.



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3. The Inspector of Police,
Odapatti 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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