



CrI.O.P.(MD)No.11456 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 25.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.11456 of 2024

1. Murugesan
2. Balamurugan
3. Velusamy
4. Mani @ Manikandan ... Petitioners

versus

1. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police
Devakottai Taluk,
Sivagangai District.

2. State rep. by
The Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.

3. Karuppaiah ... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNS, to direct the Additional District and Sessions Court for Exclusive Trial of PCR cases under SC & ST Act at Sivagangai to consider the bail application of the petitioners to be filed before the



Crl.O.P.(MD)No.11456 of 2024

said Court on the same day in Crime No.75 of 2024 pending on the file of the 2nd respondent Police.

For Petitioners : Mr.D.Balamurugapandi
For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

The petitioners are accused in Crime No.75 of 2024 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 296(b), 115(2), 351(3) of Bharatiya Nyaya Sanhita r/w. Section 3(1)(r) and 3(1)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 . Therefore, the petitioners have filed this petition seeking a direction to the Additional District and Sessions Court for Exclusive Trial of PCR cases under SC & ST Act at Sivagangai, to dispose of their bail applications on the date of surrender.



Crl.O.P.(MD)No.11456 of 2024

2. The learned counsel appearing for the petitioners submits that it is a case and counter case and there is no serious injury suffered by the defacto complainant. 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 petitioners are inclined to surrender before the Special Court concerned and to seek regular bail. Therefore, the petitioners seek a direction for disposal of the bail application on the same day.

3. Heard the learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2.

4. Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the petitioners to surrender within a period of two weeks from the date of receipt of a copy of this order before the Additional District and Sessions Court for Exclusive Trial of PCR cases under SC & ST Act



CrI.O.P.(MD)No.11456 of 2024

at Sivagangai, which, in turn, is directed to entertain the bail applications if any filed by the petitioners 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 applications in any event shall be disposed on merits on the same day.

25.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

ogy

To

1. The Additional District and Sessions Court
for Exclusive Trial of PCR cases
under SC & ST Act,
Sivagangai.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police
Devakottai Taluk,
Sivagangai District.



CrI.O.P.(MD)No.11456 of 2024

3. The Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.11456 of 2024

B.PUGALENDHI, J.

ogy

CrI.O.P.(MD)No.11456 of 2024

25.07.2024