



Crl.O.P.(MD)No.11684 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.11684 of 2024

Selvam @ Tamil Selvam

... Petitioner

Vs

1.The Assistant Commissioner of of Police,
Office of the Assistant Commissioner of Police,
Tirunelveli Division,
Tirunelveli District.

2.The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.
(In Crime No.151 of 2024).

3.Sukumar

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judge, Additional District Court No.II for (PCR) Act Cases, Tirunelveli to consider bail application filed by the petitioners and pass order in the bail application filed by the petitioner on the same.

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



Crl.O.P.(MD)No.11684 of 2024

ORDER

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The petitioners are the accused in Crime No.151 of 2024 registered on the file of the Inspector of Police, Thatchanallur Police Station, Tirunelveli District, for the offences under Sections 191(2), 296(b), 115(2) of BNS, 2023 and offences under Section 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (POA) Amendment Act, 1989.

2.Mr.P.Kottaichamy, learned Government Advocate (Crl.side) appearing for the respondent police submits that the victim in this case has been discharged from the Hospital.

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 petitioner claim that this case is a foisted one and he will prove his innocence. 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. However, the petitioner seeks a direction for disposal of the bail application on the same day.



Crl.O.P.(MD)No.11684 of 2024

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 petitioner prays 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 petitioner to surrender within a period of two weeks from today before the learned Judge, II Additional District Court for PCR Act Cases, Tirunelveli 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 available scientific modes. The bail application in any event shall be disposed on merits on the same day.

26.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

vrn



Crl.O.P.(MD)No.11684 of 2024

To

1.The II Additional District Court for PCR Act Cases, Tirunelveli

**2.The Assistant Commissioner of of Police,
Office of the Assistant Commissioner of Police,
Tirunelveli Division,
Tirunelveli District.**

**3.The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.**

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



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CrI.O.P.(MD)No.11684 of 2024

B.PUGALENDHI,J

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Order made in
CrI.O.P.(MD)No.11684 of 2024

26.07.2024