



CrI.O.P.(MD)No.12051 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 30.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.12051 of 2024

1. Chidambaram
2. Chokkalingam
3. Natarajan

... Petitioners

versus

1. The Deputy Superintendent of Police,
Tirunelveli,
Tirunelveli District.
2. The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.
3. Ravichandran

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, to direct the Special Court for offence under (SC & ST) POA Amendment Act Cases (PCR Court), Tirunelveli to pass order on the bail petition filed by the petitioner on the same day of surrender in Crime No.141 of 2024 on the file of the Inspector of Police, Tirunelveli Junction Police Station.



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For Petitioners : Mr.N.Mohideen Basha
For R1 and R2 : Mr.P.Kottaichamy
Government Advocate (Crl. side)

ORDER

The petitioners are accused in Crime No.141 of 2024 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 294(b) and 506(1) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2015. Therefore, the petitioners have filed this petition seeking a direction to the Special Court for offence under (SC & ST) POA Amendment Act Cases (PCR Court), Tirunelveli, to dispose of their bail applications on the date of surrender.

2. The learned counsel appearing for the petitioners submits that this case is arising out of a property dispute between the petitioners and the defacto complainant. It is a case and counter case



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and no one has been injured in this case. 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 Special Court for offence under (SC & ST) POA Amendment Act Cases (PCR Court), Tirunelveli, which, in turn, is directed to entertain the bail applications if any filed by the petitioners on the same day. The



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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.

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

1. The Special Court for offence under (SC & ST)
POA Amendment Act Cases (PCR Court),
Tirunelveli.
2. The Deputy Superintendent of Police,
Tirunelveli,
Tirunelveli District.
3. The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

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