



Crl.O.P.(MD) No.12366 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.12366 of 2024

1. Sambath

2. Annathurai

3. Danavendran

4. Deivendran

5. Muthukumar

... Petitioners

Vs

1. The Deputy Superintendent Of Police,
Devakottai Sub Division,
Sivagangai District.

2. The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
Crime No.191/2024.

3. Gopalasamy

4. Sudharshan

... Respondents

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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Special Court (PCR Act cases), Sivagangai to consider the bail application of the petitioners concerned in Crime No. 191/2024 on the file of the Inspector of Police, Devakottai Taluk Police Station, Sivagangai District/the second respondent herein.

For Petitioners : Mr.T. Veerakumar,

For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

The petitioners are the accused in Crime No.191 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 191(2), 191(3), 296(b), 118(1) and 351(3) BNS, 2023 r/w Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. They sought for a direction to the Special Court (PCR Act cases), Sivagangai, to consider their bail application on the date of surrender.

2.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the injured was discharged from the hospital.



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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 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 of the case and that the injured has been discharged from the hospital, 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 from the date of receipt of a copy of this order, before the Special Court (PCR Act cases), Sivagangai, who in turn is directed to entertain the bail application if any



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filed by the petitioners on the same of day. The Public Prosecutors are expected to be available in the Courts and the Public Prosecutors 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.

6.This Criminal Original Petition is disposed of accordingly.

01.08.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No
LR

To

1.The Special Court (PCR Act cases),
Sivagangai.

2. The Deputy Superintendent Of Police,
Devakottai Sub Division,
Sivagangai District.

3. The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.

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

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B.PUGALENDHI, J.

LR

ORDER IN
CRL.O.P (MD) No.12366 of 2024

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