



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13652 of 2021 and  
Crl.M.P.No.7687 of 2021

1.K.Murugan  
2.K.Krishnan  
3.M.Bharath

...Petitioners/Accused 1-3

Versus

1.The Deputy Superintendent of Police,  
D.S.P./CWC, Katpadi Taluk,  
Vellore District.

2.The Inspector of Police,  
Thiruvalem Police Station,  
Vellore District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the Sessions Judge, The Special Court for SC and ST Vellore to consider the Bail applications filed these petitioners on their surrender in connection with the Crime No.103 of 2020 on the file of the 2<sup>nd</sup> respondent on the same day.

For Petitioners : Mr.V.Karthikeyan

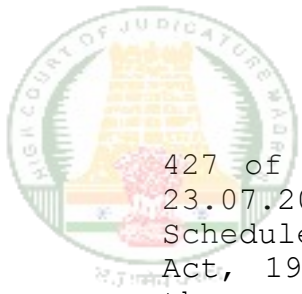
For Respondents : Mr.A.Damodaran,  
Government Advocate (Crl. Side)

For Intervenor : Mr.S.Sathina Chandran

ORDER

This Criminal Original Petition has been filed to direct the learned Sessions Judge, Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Vellore to consider the Bail Applications filed by the petitioners on their surrender in connection with the Crime No.103 of 2020 on the same day.

2.The learned counsel for the petitioners submitted that initially, a case in Crime No.103 of 2020 was registered against the petitioners on 26.02.2020 for offence under Sections 447 and



427 of IPC and thereafter, as per the Alteration Report, dated 23.07.2021 included offence under Section 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The learned counsel further submitted that earlier there have been number of cases registered against the petitioners at the instance of K.C.Subramaniam, who is the father of Vinayagam and all the cases ended in favour of the petitioners. This case, according to the petitioners, is yet another one. Hence, the petitioners have been falsely implicated in this case and prayed for appropriate direction.

3.Mr.S.Sathia Chandran, learned counsel for the Intervenor filed the Intervening Petition in CrI.M.P.No.7687 of 2021 in CrI.O.P.No.13652 of 2021 and submitted that the defacto complainant K.C.Subramani in Crime No.103 of 2020 died and hence, her son Vinayagam is proceeding with the case. As per Section 15A(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the victim shall be entitled to be heard at any stage of the proceedings under this Act. He further submitted that the petitioners herein are neighbours and adjacent land owners of the defacto complainant and there have been land dispute between them for quite sometime. The petitioners taking advantage of their dominant social status harassed him for several years. This complaint is yet another one. Further, the petitioners are attempting to take away the property of the defacto complainant. The 2<sup>nd</sup> respondent Police after collection of evidence and materials, included Section 3(i)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by way of Alteration Report. If this Court directs the lower Court to consider the Bail Application, it would amount to defeating the purpose for which the Amendment brought in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4.The learned Government Advocate (CrI. Side) appearing on behalf of the respondents submitted that it is a normal practice that this Court issuing direction to the lower Court to consider the bail application of the accused on the same day of their appearance. Before filing the Bail Application, the accused send notice to the defacto complainant and on satisfying that the defacto complainant was served with the notice, the lower Court takes up the Bail Applications for consideration. He further submitted that in several cases, the bail applications filed by the petitioners were dismissed and they were remanded to judicial custody. Hence, the Special Courts are at liberty to decide the Bail Applications of the petitioners on its own merits after perusal of the evidence and materials. The direction for considering the Bail Applications on the same day of appearance of the accused, will not affect the right of the defacto complainant.



5.This Court considered the submissions made by the learned counsel for the petitioners, learned counsel for the Intervenor and the learned Additional Public Prosecutor appearing for the State.

6.In view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioners are directed to surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order, of course after commencement of normal functioning of the Court, which ever is later and on such surrender, the learned Sessions Judge, Special Court for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Vellore shall deal with the matter on the same day on merits and in accordance with law, after issuing notice to the victims under Section 15-A (3) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7.This Criminal Original Petition is disposed of with the above directions and CrI.M.P.No.7687 of 2021 in CrI.O.P.No.13652 of 2021 is ordered.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,  
Special Court for the Scheduled Castes and Scheduled Tribes  
(Prevention of Atrocities) Act, 1989, Vellore.
2. The Deputy Superintendent of Police,  
D.S.P./CWC, Katpadi Taluk,  
Vellore District.



3. The Inspector of Police,  
Thiruvalam Police Station,  
Vellore District.

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4. The Public Prosecutor,  
High Court, Madras.

+1 cc to Mr.V.Karthikeyan, Advocate Sr.No.41875

+1 cc to Mr.S.Sathina Chandran, Advocate Sr.No.42033

CRL.O.P.No.13652 of 2021 and  
Crl.M.P.No.7687 of 2021

SJ[co]  
NSK 01/09/2021