



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16804 of 2021

Gnanasekar

...Petitioner

Versus

1.The State by
Deputy Superintendent of Police,
Sathyamangalam Sub-Division,
Sathyamangalam, Erode District.

2.The Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam, Erode District.

...Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to consider the bail application of the petitioner on the same day of his surrender before the Hon'ble Sessions Judge, Special Court for SC/ST (Poa) Act, Erode in respect of the case in Crime No.446/2021 on the file of the 2nd respondent.

For Petitioner : Mr.C.Vasudevan
For Intervenor : Mr.Arulmuruganandham
For Respondents: Mr.S.Vinoth Kumar,
Government Advocate (Crl.side)

ORDER

This petition has been filed seeking a direction to consider the bail application of the petitioner on the same day of his surrender before the Hon'ble Sessions Judge, Special Court for SC/ST (Poa) Act, Erode in respect of the case in Crime No.446/2021 on the file of the 2nd respondent.

2. 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 or after commencement of normal functioning of the Court, which ever is later and on such



surrender, Hon'ble Sessions Judge, Special Court for SC/ST (Poa) Act, Erode, 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 SC/ST Act.

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3.Mr.L.Arulmuruganandham (enrollment No.1067/2004), learned counsel for Intervenor appears and submits that the defacto complainant Murugan has been consistently threatened by the petitioner and forced to withdraw the complaint. The complainant has got sufficient materials to prove the same. This Court order is only directing the trial Court to give notice to the victim and thereafter, on merits independently decide the case and the victims objections and contentions to be heard by the trial Court and thereafter, consider the bail application of the petitioner on its merits.

4. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sms/drm

To

1.The Sessions Judge,
Special Court for SC/ST (POA) Act,
Erode.

2.The Deputy Superintendent of Police,
Sathyamangalam Sub-Division,
Sathyamangalam, Erode District.

3.The Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam, Erode District.

4.The Public Prosecutor,
High Court, Madras.

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MG(CO)
KKV/17/09/2021