



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.5153 of 2022

Saritha

... Petitioner/Accused No.2

Vs

1.The State rep by

The Deputy Superintendent of Police,
Devakottai Sub Division,
Sivagangai District.

2.The Inspector of Police

Devakottai - All Women Police Station
Sivagangai District.

(In Crime No.4 of 2021)

... 1st & 2nd Respondent/Complainant

3.xxxxxxxx

...3rd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the **(*)Special Court for Exclusive Trial of Cases under the POCSO Act 2012, Sivagangai** to accept the surrender of the petitioner/accused No.2 in connection with the Crime No.4 of 2021 on the file of the respondent police and to consider the petitioner's bail application on the same day.

For Petitioner : Mr.R.Shankar Ganesh

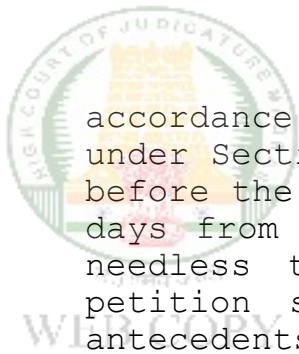
For Respondents : Mr.R.M.Anbunithi

No.1 and 2 Additional Public Prosecutor

O R D E R

This petition is filed for a direction to direct the learned **(*)Special Court for Exclusive Trial of Cases under the POCSO Act 2012, Sivagangai** to consider the bail petition of the petitioner on the same day of surrender and dispose the same on merits and in accordance with law in crime No.4 of 2021 on the file of the first respondent.

2. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned **(*)Special Court for Exclusive Trial of Cases under the POCSO Act 2012, Sivagangai**, to consider the petitioner's bail application, preferably on the same day of her surrender in connection with Crime No.4 of 2021 on the file of the first respondent and pass appropriate orders in



accordance with law after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. The petitioner shall surrender before the concerned jurisdictional Court within a period of fifteen days from the date of the receipt of a copy of this Order. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous antecedents of the petitioner and pass orders. Mere direction issued by this Court to consider the bail petition on the same day does not amount to consider it favourably.

3.With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

**(*)Amended as per order of this
Hon'ble Court dated 05.04.2022
made in CRL MP(MD)No.4337 of 2022
in CRL OP(MD)No.5153 of 2022**

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

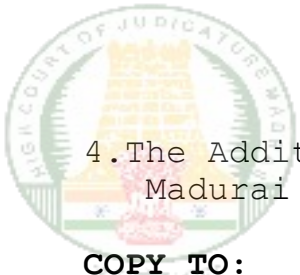
ias

Note: Registry to suppress the name of the third respondent while issuing order copy.

To

**(*)To be Substituted the order already despatched
on 22.03.2022**

- 1.The Special Court for SC/ST (Prevention of Atrocities) Act,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Devakottai Sub Division,
Sivagangai District.
- 3.The Inspector of Police
Devakottai - All Women Police Station
Sivagangai District.



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

COPY TO:

The Special Court for Exclusive Trial
of Cases Under the POCSO Act,
Sivagangai.

+1cc to M/S.R.SHANKAR GANESH,Advocate, SR.No.16979 DATED:06.04.2022

CRL.O.P (MD) No.5153 of 2022
18.03.2022

CK(CO)
GC(22.03.2022) 3P 5C

ck(CO)
GC(12.04.2022) 3P 7C