



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.6148 of 2022

WEB COPY

1.Prabakaran @ Petchimuthu

2.Muniyasamy

... Petitioners/Accused No.1 & 3

Vs

1.The State rep. by its

The Deputy Superintendent of Police,

Sattur Sub Division,

Virudhunagar District.

2.The Inspector of Police,

Elayairampannai Police Station,

Virudhunagar District.

(Crime No.43 of 2022)

... 1st & 2nd Respondent/Complainant

3. Anandhakumar

...3rd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Honourable District and Session's Judge Special Court for SC/ST(POA) Act, Srivilliputhur, to consider the bail application on the surrender of the petitioners / Accused No.1,3 on the same day in connection with Crime.No. 43 of 2022 on the file of the 2nd respondent police, on merits on the same day.

For Petitioners : Mr.N.Mariappan

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 District and Session's Judge Special Court for SC/ST(POA) Act, Srivilliputhur, to consider the bail application on the surrender of the petitioners / Accused No.1,3 on the same day in connection with Crime.No. 43 of 2022 on the file of the 2nd respondent police, on merits on the same day.

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 District and Session's Judge, Special Court for SC/ST(POA) Act, Srivilliputhur, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No. 43 of 2022



on the file of the 2nd 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 petitioners 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.

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3. 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.

4. With the above direction, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The District and Session's Judge
Special Court for SC/ST(POA) Act, Srivilliputhur
- 2.The Deputy Superintendent of Police,
Sattur Sub Division,
Virudhunagar District.
- 3.The Inspector of Police,
Elayairampannai Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in

CRL.O.P (MD) No.6148 of 2022

04.04.2022

SRR (CO)

GC (05.04.2022) 2P 5C