



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.6815 of 2022

Prakash

... Petitioner

Vs

1. The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

2. State rep. by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.124/2022)

3. Balakrishnan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Special Court for the Exclusive Trial of SC/ST Cases (PCR), Theni to accept the surrender of the Petitioner and consider his bail application on the same day on merit relating to Crime No.124 of 2022, dated 06.04.2022.

For Petitioner : Mr.S.Sundarapandian
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 Special Court for the Exclusive Trial of SC/ST Cases (PCR), Theni, to consider the bail petition of the petitioners on the same day of surrender and dispose the same on merits and in accordance with law in crime No.124 of 2022 on the file of the 2nd 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 Special Court for the Exclusive Trial of SC/ST Cases (PCR), Theni, to consider the



petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 124 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 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.

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 (CS-I)

// True Copy //

13/04/2022

Sub Assistant Registrar(CS)

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To

1. The Sessions Judge,
Special Court for the Exclusive Trial of SC/ST Cases (PCR),
Theni.
2. The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.
3. The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.O.P (MD) No.6815 of 2022
12.04.2022