



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.6950 of 2022

WEB COPY

1.Shamugaiha Pandian

2.Perumal

... Petitioners/Accused No.2 & 3

Vs

1.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Thoothukudi District.

2.The State represented by
The Inspector of Police
Srivaikundam Police,
Thoothukudi District.

(In Crime No.84 of 2022) ... 1st & 2nd Respondents / Complainants

3.Mahesh ... 3rd Respondent / Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, II Additional Sessions Judge, Tirunelveli, Tirunelveli District to accept the surrender of the petitioners and consider their bail application on merits, in accordance with law and grant bail as on the same date of surrender itself in connection with the case in Crime No.84 of 2022, registered on 27.03.2022 on the file of the second respondent police.

For Petitioners : Mr.G.Anto Prince

For Respondent : Mr.R.M.Anbunithi
Nos.1 and 2 Additional Public Prosecutor

O R D E R

This petition has been filed for a direction to direct the Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, the learned II Additional Sessions Judge, Tirunelveli, Tirunelveli District to accept the surrender of the petitioners and consider their bail application on merits, in accordance with law and grant bail as on the same date of surrender itself in connection with the case in Crime No.84 of 2022, on the file of the second respondent police.



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 II Additional Sessions Judge, Tirunelveli, Tirunelveli District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No. 84 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.

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 petitioners 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(P & A)

// True Copy //

13/04/2022

Sub Assistant Registrar(CS)

lr

To

1. The II Additional Sessions Judge,
Special Court for Scheduled Caste and
Scheduled Tribes (Prevention of Atrocities) Act,
Tirunelveli, Tirunelveli District.
2. The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Thoothukudi District.
3. The Inspector of Police
Srivaikundam Police Station,
Thoothukudi District.



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

+1 CC to M/s.G. ANTO PRINCE, Advocate (SR-18461[F] dated 13/04/2022
)

Order made in
CRL.O.P (MD) No.6950 of 2022
13.04.2022

ss (CO)
TR(13.04.2022) 3P 6C