



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P (MD) No. 9034 of 2022

Sudalai

... Petitioner/A2

Vs

1.The Deputy Superintendent of Police,
Valliyoor, Tirunelveli District.

2.The State Rep. by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
Crime No.80 of 2022.

... Respondents/Complainants

3.Esakki

... 3rd Respondent/Defacto
Complainant

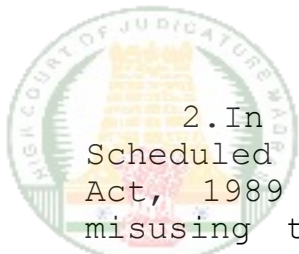
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned II Additional District Judge cum Special Court for Trial of SC/ST Act Cases (Prevention of Atrocities Act), Tirunelveli, Tirunelveli District to accept the surrender of the petitioner and consider his bail application on the same day on merit relating to Crime No.80 of 2022, dated 03.05.2022.

For Petitioner : Mr.Sathya Chidambaram, S.

For R1 and R2 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. side)

O R D E R

This petition is filed seeking for a direction to direct the learned II Additional District Judge cum Special Court for Trial of SC/ST Act Cases (Prevention of Atrocities Act), Tirunelveli, Tirunelveli District, 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.80 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 learned II Additional District Judge cum Special Court for Trial of SC/ST Act Cases (Prevention of Atrocities Act), Tirunelveli, Tirunelveli District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.80 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. While disposing the bail petition, the Court below shall look into the gravity of the offence, previous antecedents of the petitioner and pass orders after affording appropriate opportunity to the learned Government Advocate (Criminal Side). Mere direction issued by this Court to consider the bail petition on the same day shall not amount to a direction to the court below to consider the petition favourably.

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

Sd/-

Vacation Officer/
Assistant Registrar (CS-I)

// True Copy //

16/05/2022
Sub Assistant Registrar (CS)

das/lr

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To

1. The II Additional District Judge cum
Special Judge for Trial of SC/ST Act Cases
(POA), Tirunelveli, Tirunelveli District.

2. The Deputy Superintendent of Police,
Valliyoore, Tirunelveli District.

3. The State Rep. by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-23638[F] dated
11/05/2022)

CRL.O.P (MD) No. 9034 of 2022
11.05.2022

RK(16/05/2022) 3P 6C