



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10383 of 2022

Gopal Devaraj

... Petitioner/Sole Accused

Vs

1.The Deputy Superintendent Of Police,
Tirunelveli Rural,
Tirunelveli District.

2.State represented by
the Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
Crime No.279 of 2021

... Respondents 1&2/Complainant

3.M.Santhi

... Respondents No.3/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned II Additional District & Sessions Judge, Tirunelveli (PCR Court Special Court for exclusively triable of cases under SC/ST (Prevention of Atrocities) Act to consider the bail petition of the petitioner on the same day on his surrender in connection with Crime No.279 of 2021 on the file of the 2nd respondent police.

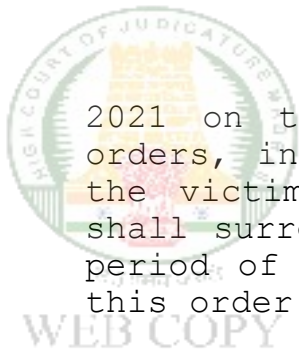
For Petitioner : Mr.C.Saravanakumar

For Respondents : Mr.A.Albert James
1 & 2 Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed for a direction to the learned II Additional District & Sessions Judge, Tirunelveli (PCR Court Special Court for exclusively triable of cases under SC/ST (Prevention of Atrocities) Act, to consider the petitioner's bail application in Crime No.279 of 2021 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 District & Sessions Judge, Tirunelveli (PCR Court Special Court for exclusively triable of cases under SC/ST (Prevention of Atrocities) Act, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.279 of



2021 on the file of the second 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 favorably.

4.With the above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The II Additional District & Sessions Judge, Tirunelveli,
(PCR Court Special Court for exclusively triable of cases under
SC/ST(Prevention of Atrocities) Act)

2.The Deputy Superintendent Of Police,
Tirunelveli Rural,
Tirunelveli District.

3.The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.

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

+1 CC to M/s.C. SARAVANA KUMAR, Advocate (SR-25457[F] dated
13/06/2022)

ORDER IN

CRL.O.P (MD) No.10383 of 2022

13.06.2022