



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10893 of 2022

1.Poovarasan

2.Yogesh @ Yogheswaran

... Petitioners/Accused Nos.4&5

Vs.

1.The Deputy Superintendent of Police,
Puliyangudi,
Tenkasi District.

2.State Rep. by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Cr.No.189 of 2022)

...1st &2nd Respondents/Complainants

3.Ravi

...3rd Respondent/Defacto Complainant

4.Mahesh

... 4th Respondent/Victim

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 2nd 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.189 of 2022, dated 11.06.2022.

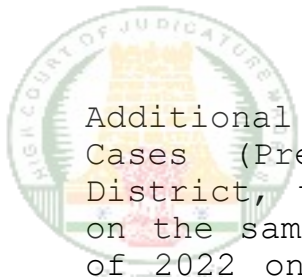
For Petitioner : Mr.S.Sathya Chidambaram
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed for a direction to direct the learned Judge, 2nd Additional District Judge Cum Special Court for Trial of SC/ST Act Cases (Prevention of Atrocities Act), Tirunelveli, Tirunelveli District, to consider the petitioners' bail application on the same day of their surrender in Crime No.189 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 Judge, 2nd



Additional District Judge Cum Special Court for Trial of SC/ST Act Cases (Prevention of Atrocities Act), Tirunelveli, Tirunelveli District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.189 of 2022 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 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, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

21/06/2022

Sub Assistant Registrar(CS)

vsd

To

1.The IInd Additional District Judge Cum Special Court for Trial of SC/ST Act Cases (Prevention of Atrocities Act), Tirunelveli, Tirunelveli District.

2.The Deputy Superintendent of Police, Puliyangudi, Tenkasi District.

3.The Inspector of Police, Kadayanallur Police Station, Tenkasi District.

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

CRL.O.P (MD) No.10893 of 2022
20.06.2022

MGJ(21.06.2022) 2P 5C

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