



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11037 of 2022

Wilsondurai

... Petitioner/ Accused No.2
Vs

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

2.The State Represented by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
(Crime No.144 of 2022)

... Respondents/ Complainants

3. Sudha

... 3rd Respondent/ De-facto 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.144 of 2022, dated 12.06.2022.

For Petitioner	: Mr.S.Sathya Chidambaram
For Respondent	: Mr.A.Albert James,
R1 & R2	Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed 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 petitioner's bail application on the date of his surrender in respect of Crime No. 144 of 2022 on the file of the respondents 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 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. 144 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 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.

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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, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

23/06/2022

Sub Assistant Registrar(CS)

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To

1. The II 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,
Nanguneri,
Tirunelveli District.
3. The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S. SATHYA CHIDAMBARAM, Advocate (SR-27650[F]
dated 23/06/2022)

ORDER IN

CRL.O.P (MD) No.11037 of 2022

22.06.2022

MA (CO)

GC (23.06.2022) 2P 6C

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