



Crl.O.P.(MD) No.13092 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13092 of 2022

Mohan @ Mohanraj

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Kulithalai Division,
Karur District.

2.The Inspector of Police,
Chinthamanipatty Police Station,
Karur District.

3.Thangathurai

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned District Sessions Judge cum Special Court for exclusive trial for SC and ST Act cases, (PCR Court) Karur, to consider the bail petition on the same day filed by the petitioner in Crime No.129 of 2022 under Sections 294(b), 355, 323 of IPC r/w Section 3(1)(r), 3(1)(s), 3(2)(va) of the Sc and ST (POA) Amendment Act, 2015.

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



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ORDER

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This Criminal Original Petition has been filed for a direction, to direct the learned District Sessions Judge cum Special Court for exclusive trial for SC and ST Act cases, (PCR Court) Karur, to consider the bail petition on the same day filed by the petitioner in Crime No.129 of 2022 under Sections 294(b), 355, 323 of IPC r/w Section 3(1)(r), 3(1)(s), 3(2)(va) of the Sc and ST (POA) Amendment Act, 2015.

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 District Sessions Judge cum Special Court for exclusive trial for SC and ST Act cases, (PCR Court) Karur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.129 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



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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 favourably.

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

20.07.2022

Internet:Yes./No
Index:Yes/no
PNM

Note: Issue order copy on 21.07.2022



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To

- 1.The learned District Sessions Judge
cum Special Court for exclusive trial
for SC and ST Act cases, (PCR Court)
Karur.
- 2.The Deputy Superintendent of Police,
Kulithalai Division,
Karur District.
- 3.The Inspector of Police,
Chinthamanipatty Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsg

ORDER IN
CRL.O.P (MD) No.13092 of 2022

20.07.2022