



Crl.O.P.(MD) No.13707 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13707 of 2022

- 1.K.Mohamed Siddiq
(wrongly mentioned as Sithik)
 2. K.Abdul Hameed
(wrongly mentioned as Abdul Hammed)
 3. Mohamed Hussain
(wrong mentioned as Hussain)
- ...Petitioners

.vs.

1. The Deputy Superintendent of Police
Uthamapalayam
Theni District
 2. The Inspector of Police
Cumbum North Police Station
Theni District
 3. Suruliyandavar
- ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to accept the surrender of the petitioners before the learned Special Court for the exclusive trial for PCR Cases, Theni in connection with the Crime No. 231 of 2022 on the file of the R2 Police and to consider the bail application filed.



Crl.O.P.(MD) No.13707 of 2022

For Petitioners : Mr.K.K.Samy
For Respondents : Mr.A.Albert James
No.1 and 2 : Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed for a direction to direct the Special Court for the exclusive trial for PCR Cases, Theni in connection with the Crime No. 231 of 2022 on the file of the second 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 Special Court for the exclusive trial for PCR Cases, Theni, to consider the petitioners bail application, preferably on the same day of their surrender in connection with Crime No. 231 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.



Crl.O.P.(MD) No.13707 of 2022

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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.

29.07.2022

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

Note: Issue order copy on 01.08.2022



Crl.O.P.(MD) No.13707 of 2022

To

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- 1.The Special Court for the exclusive trial for PCR Cases, Theni
2. The Deputy Superintendent of Police
Uthamapalayam
Theni District
3. The Inspector of Police
Cumbum North Police Station
Theni District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.13707 of 2022

V.SIVAGNANAM, J.

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ORDER IN
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