



Crl.O.P.(MD) No.13775 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.13775 of 2022

1.D.Venugopal
2. Vijayalakshmi

...Petitioners

.vs.

1. The Deputy Superintendent of Police
Periyakulam Taluk
Theni District

2. The Inspector of Police
Tenkarai Police Station
Theni District

3. Veechu Karuppanan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the District Special Court (Spl Court for Trial of SC/ST Act cases),Theni to consider the petitioners bail petition on merits upon Petitioners on bail on the same day according to the law in Crime No.286 of 2022 on the file of second respondent.

For Petitioners : Mr.G.Radhakrishnan

For Respondents : Mr.A.Albert James

No.1 and 2 : 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 District Special Court (Spl Court for Trial of SC/ST Act cases),Theni to consider the petitioners bail petition on merits upon Petitioners on bail on the same day according to the law in Crime No.286 of 2022 on the file of second respondent.

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 District Special Court (Spl Court for Trial of SC/ST Act cases),Theni, to consider the petitioners bail application, preferably on the same day of their surrender in connection with Crime No. 286 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.



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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 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.

29.07.2022

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

Note: Issue order copy on 01.08.2022



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To

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1. The District Special Court (Spl Court for Trial of SC/ST Act cases), Theni
2. The Deputy Superintendent of Police
Periyakulam Taluk
Theni District
3. The Inspector of Police
Tenkarai Police Station
Theni District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
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