



Crl.O.P.(MD) No.13979 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13979 of 2022

1. Gopi @ Gopinath,

2. Mani @ Manikandaprabu,

: Petitioners

Vs

1. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.

2. State through
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No. 291/2022.

3. Prabhakaran,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the direct the Special Court for the exclusive Trail for SC and ST cases, Sivagangai, to consider the bail application filed by the petitioners and pass order in the bail application filed by the petitioners on



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the same date of their surrender.

For Petitioner : M/s. Karunakaran.K.M.,
For R1 and R2 : Mr.A.Albert James,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed for a direction to direct the Special Court for the exclusive Trail for SC and ST cases, Sivagangai, to consider the petitioners' bail application on the same day of their surrender in Crime No. 291 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 Special Court for the exclusive Trail for SC and ST cases, Sivagangai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No. 291 of 2022 on the file of the second respondent and pass appropriate orders, in accordance with law,



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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.

03.08.2022

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

Note: Issue order copy on 05.08.2022



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To

- 1.The Special Court for the exclusive
Trail for SC and ST cases,
Sivagangai.
2. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.
3. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

lr

ORDER IN
CRL.O.P (MD) No.13979 of 2022

03.08.2022