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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14871 of 2022

Deivendran ... Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Sivagangai Range,
Sivagangai District.

2.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(Crime No.248 of 2022) ...1st & 2nd Respondents/Complainants

3.Vetri Vijayan ...3rd Respondent/*De facto* Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Special Court for Exclusive Trial of Cases under SC/St (PoA) Act, 1989, Sivagangai District to consider the bail application of the petitioner to be filed in Crime No.248 of 2022 on the file of the second respondent police and to accept his surrender on the same day on merits.

For Petitioner : Mr.R.Balamuruganantham
For R1 - R2 : Mr.A.Albert James,
Government Advocate (Crl.Side)

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O R D E R

This Criminal Original Petition has been filed to direct the learned Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, 1989, Sivagangai District, to consider the petitioner's bail application in Crime No.248 of 2022 on the file 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 learned Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, 1989, Sivagangai District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.248 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.

18.08.2022

Internet:Yes/No
Index:Yes/No
vsd
Note:Issue Order Copy on 18.08.2022
To
1.The Special Court for Exclusive Trial of Cases
under SC/St (PoA) Act, 1989,
Sivagangai District.

2.The Deputy Superintendent of Police,
Sivagangai Range,Sivagangai District.

3.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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V.SIVAGNANAM, J.

vsd

ORDER IN
CRL.O.P (MD) No.14871 of 2022

18.08.2022

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