



Crl.O.P.(MD) No.15283 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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1. Alagumuniyandi (wrongly mentioned in FIR as Logu)
2. Prabhu
3. Adhimuniyandi
4. Bala
5. Ranjith
6. Adheeswaran (mentioned in the FIR as Adhi)
7. Muniyandi
8. Ramesh
9. Senthil Murugan (mentioned in the FIR as Senthil)
10. Balamuniyandi (mentioned in the FIR as Bala)

...Petitioners

.vs.

1. The Deputy Superintendent of Police
Madagupatti Police Station
Sivagangai Range
Sivagangai District
2. The Inspector of Police
Madagupatti Police Station
Sivagangai District
3. Raguman
4. Madhibala

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,



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praying to direct the learned Special Judge for the Exclusive Trial for SC/ST (POA) Act,1989 Cases,Sivagangai to consider the bail application of the petitioners to be filed in Crime No. 159 of 2022 on the file of the respondent police.

For Petitioners : Mr.R.Balamuruganantham
For Respondents : Mr.A.Albert James
No.1 & 2 : Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed for a direction to direct the learned Special Judge for the Exclusive Trial for SC/ST (POA) Act,1989 Cases,Sivagangai to consider the bail application of the petitioners to be filed in Crime No. 159 of 2022 on the file of the 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 Judge for the Exclusive Trial for SC/ST (POA) Act,1989 Cases,Sivagangai, to consider the petitioners bail application, preferably on



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the same day of their surrender in connection with Crime No.159 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.

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.

25.08.2022

Internet:Yes./No

Index:Yes/no

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Note: Issue order copy on 29.08.2022

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To

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- 1.The Special Judge for the Exclusive Trial for
SC/ST (POA) Act,1989 Cases,Sivagangai
2. The Deputy Superintendent of Police
Madagupatti Police Station
Sivagangai Range
Sivagangai District
3. The Inspector of Police
Madagupatti Police Station
Sivagangai 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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25.08.2022