



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CRL.O.P (MD) No.15762 of 2022

WEB COPY

(*)P.Mariammal @ Sappani
(aged about 42 years)

... Petitioner/A1

Vs.

1.The State Rep. by
The Assistant Commissioner of Police,
Tirunelveli City. ... 1st Respondent / Complainant

2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
In Crime No.473 of 2022 ... 2nd Respondent/Complainants

3.Seema @ Chermakani ... 3rd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned District Sessions Court (SC/ST (POA) Act), Tirunelveli to consider the surrender and bail application filed by the petitioner in Crime No.473 of 2022, dated 01.08.2022 pending on the file of the second respondent of the same day.

For Petitioner : Mr.K.Anand
For R1 & R2 : Mr.A.Albert James
Government Advocate (Crl. side)

O R D E R

This Criminal Original Petition has been filed for a direction to direct the learned District Sessions Court (SC/ST(POA) Act), Tirunelveli, to consider the petitioner's bail application on the same day of her surrender in Crime No.473 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 learned District Sessions Court (SC/ST(POA) Act), Tirunelveli, to consider the petitioner's



bail application, preferably on the same day of his surr in connection with Crime No.473 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.

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 favorably.

4.With the above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(AS)

(*)Corrected as per the order of this Court dated 22/09/2022 made in CRL MP(MD).11034 of 2022 in Crl.OP(MD)No.15762 of 2022

Sd/-

Assistant Registrar(CO)

// True Copy //

01/09/2022

Sub Assistant Registrar(CS)

sj i

To

(*) To be substituted to the order already despatched on 01/09/2022

1.The District Sessions Court (SC/ST(POA) Act), Tirunelveli.

2.The Assistant Commissioner of Police,
Tirunelveli City.

3.The Inspector of Police,
Palayamkottai Police Station, Tirunelveli City.

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

+1 CC to M/s.K.ANAND, Advocate (SR-42425[F] dated 01/09/2022)

CRL.O.P (MD) No.15762 of 2022

01.09.2022

na (CO)

TR(01.09.2022) 2P 6C

RD(14/10/2022) 2P 6C