



*Crl.O.P.(MD)No.21737 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2022

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.21737 of 2022

N.Annadurai

: Petitioner

Vs.

1. The Deputy Superintendent of Police,  
Bodi Sub Division, Theni District.

2.State rep.by  
The Inspector of Police,  
Kurangani Police Station,  
Theni District.  
Crime No. 56 of 2022.

: Respondents/Complainants

3.M.Vijayarajan

:3<sup>rd</sup> Respondent/Defacto  
Complainant

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Theni (PCR Court Special Court for Exclusively triable of Cases under SC/ST (POA) Act to consider the bail petition of the petitioner on the same day on his surrender in connection with Crime No. 56 of 2022 on the file of the second respondent Police.



*Crl.O.P.(MD)No.21737 of 2022*

For Petitioner : Mr.C.Saravanakumar,

For R1 & R2 : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Sessions Judge, Theni (PCR Court Special Court for Exclusively triable of Cases under SC/ST (POA) Act, to accept the surrender of the petitioner and consider her bail application on the same day on merits in relating to Crime No.56 of 2022 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 147, 323, 354(B), 506(i) IPC r/w Section 3(l)(r), 3(l)(s), 3(2)(va) of SC/ST (POA) Amendment Act, 2015 in Crime No.56 of 2021, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.



*Crl.O.P.(MD)No.21737 of 2022*

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4. 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 Sessions Judge, Theni (PCR Court Special Court for Exclusively triable of Cases under SC/ST (POA) Act, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.56 of 2022 on the file of the second respondent police 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.

5. 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.



*Crl.O.P.(MD)No.21737 of 2022*

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6. With the above direction, this Criminal Original Petition stands allowed.

**09.12.2022**

Index : Yes / No  
Internet : Yes / No  
das

To

- 1.The Sessions Judge, Theni.  
(PCR Court Special Court for Exclusively  
triable of Cases under SC/ST (POA) Act)
2. The Deputy Superintendent of Police,  
Bodi Sub Division, Theni District.
- 3.The Inspector of Police,  
Kurangani Police Station,  
Theni District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.O.P.(MD)No.21737 of 2022*

**K.MURALI SHANKAR,J.**

das

Order made in  
Crl.O.P.(MD)No.21737 of 2022

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