



Crl.O.P.(MD)No.21741 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.21741 of 2022

1.Sankar @ Gurusankar

2.Neeravi Pandian

3.Ganesan

: Petitioners/Accused

Vs.

1.State rep.by

The Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.

2. The Inspector of Police,
Seithur Police Station,
Seithur, Virudhunagar District.
Crime No. 242 of 2022.

: Respondents/Complainants

3.B.Maharaja

:3rd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Additional District Judge, Special Court for trial of SC/St (POA) Act, PCR Court, Srivilliputhur, Virudhunagar District to accept the surrender of the petitioners and



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consider the bail application to be filed by the petitioners on the same day on merits in Crime No.242 of 2022 on the file of the second respondent police.

For Petitioners : Mr.P.Athimoola Pandian,

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 Additional District Judge, Special Court for trial of SC/ST (POA) Act, PCR Court, Srivilliputhur, Virudhunagar District, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.242 of 2022 on the file of the second respondent police.

2. The petitioners are accused for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015 in Crime No.242 of 2022, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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3. The learned Additional Public Prosecutor appearing for the official respondents would submit that the first petitioner is having two previous cases under Section 302 IPC.

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

5. 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 Additional District Judge, Special Court for trial of SC/ST (POA) Act, PCR Court, Srivilliputhur, Virudhunagar District to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.242 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



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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.

6. 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 favorably.

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

09.12.2022

Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Additional District Judge,
Special Court for trial of SC/ST (POA) Act,
PCR Court, Srivilliputhur, Virudhunagar District
2. The Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.
3. The Inspector of Police,
Seithur Police Station,
Seithur, Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.21741 of 2022

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