



Crl.O.P.(MD)No.21974 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21974 of 2022

1.Nantha Gopal @ Gopal

2.Vinoth Kumar

... Petitioners/
Accused 1&2

Vs.

1.The State represented by its
The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

... 1st Respondent/
Investigation
Officer

2.The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.
(Crime No.257 of 2022)

... 2nd Respondent/
Complainant

3.Palanisamy

... 3rd Respondent/
Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Special



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Court for Exclusive Trial of cases under SC/ST (POA) Act, (PCR Court), Sivagangai, to consider the bail application of the petitioners in connection with the FIR in Crime No.257 of 2022 on the file of the second respondent police on the very same day of the surrender of the petitioners and to enlarge them on bail on the very same day itself by allowing the petitioners' bail application.

For Petitioners : Mr.M.S.Jeyakarthik

For R1 & R2 : Mr.E.Antony Sahaya Prabahar
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, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, (PCR Court), Sivagangai, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.257 of 2022 on the file of the second respondent.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 427 and 506(1) IPC and Sections 3(l)(r) and



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3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.257 of 2022, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. 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.

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 learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, (PCR Court), Sivagangai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.257 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 petitioners shall surrender before



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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 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.

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

13.12.2022

Index : Yes / No
Internet : Yes / No
csm



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To

- 1.The Sessions Judge, Special Court for
Exclusive Trial of cases under SC/ST (POA) Act,
(PCR Court), Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.
- 3.The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.21974 of 2022

Dated: 13.12.2022