



Crl.O.P.(MD)No.22026 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22026 of 2022

R.Selvam @ Chithiraiselvam

... Petitioner/A2

Vs.

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Singampunai Division,
Sivagangai District.

2.The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.
(Crime No.65 of 2022)

3.C.Kamatchi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned District Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sivagangai to accept the surrender of the petitioner/A2 and consider the petitioner's bail application and grant bail on the date of surrender itself in Crime No. 65 of 2022, dated 28.11.2022 on the file of the second respondent Police.



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For Petitioner : Mr.K.Dinesh,

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 District Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sivagangai, to accept the surrender of the petitioner/A2 and consider the petitioner's bail application and grant bail on the date of surrender itself in Crime No. 65 of 2022, dated 28.11.2022 on the file of the second respondent Police.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 506(i) IPC and Sections 3(l)(r), 3(l)(s) of SC/ST (POA) Amendment Act, 2015 in Crime No.65 of 2022, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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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.

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 District Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sivagangai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.65 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.



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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.

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

14.12.2022

Index : Yes / No
Internet : Yes / No
das



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To

- 1.The District Judge SC/ST (POA) Act,
Sivagangai.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Singampunai Division,
Sivagangai District.
- 3.The Inspector of Police,
Ulagampatti Police Station,
Sivagangai 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.22026 of 2022

Dated: 14.12.2022