



Crl.O.P.(MD)No.22344 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22344 of 2022

- 1.N.Esakki Muthu
- 2.S.Vennimalai
- 3.N.Sudalai
- 4.K.Sankarasubbu
- 5.M.Esakkiappan @ Chellappa
- 6.B.Saravanamuthu
- 7.K.Muthu
- 8.M.Kallatha Sivalingam

... Petitioners

Vs.

- 1.The Deputy Superintendent of Police,
Tiruchendur, Thoothukudi District.
- 2.The Inspector of Police,
Tiruchendur Temple Police Station,
Thoothukudi District.
(Crime No.103 of 2022)
- 3.Manikandan

... Respondents



Crl.O.P.(MD)No.22344 of 2022

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi to consider the petitioners' bail application and dispose the bail application on the same day in Crime No.103 of 2022 on the file of the second respondent.

For Petitioners : Mr.S.Suresh Manickam,

For Respondents : Mr.R.Sivakumar,
Government Advocate (Criminal Side)
for R1 & R2.

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi to consider the petitioners' bail application and dispose the bail application on the same day in Crime No.103 of 2022 on the file of the second respondent.

2. The petitioners are accused for the offences punishable under Sections 147, 148, 149, 447, 294(b), 323, 324 IPC and Section 3 of



Crl.O.P.(MD)No.22344 of 2022

Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (PoA) Amendment Act, 2015 in Crime No.103 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 Government Advocate (Criminal Side) appearing for the State 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 Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.103 of 2022 on the file of the second respondent police and pass appropriate orders, in accordance with law, after affording due



Crl.O.P.(MD)No.22344 of 2022

opportunity to the victim under Section 15(a) of the SC/ST Act and also taking note of the damages caused to the public property. 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.

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.

19.12.2022

Index : Yes / No
Internet : Yes / No
das



WEB COPY



Crl.O.P.(MD)No.22344 of 2022

To

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



WEB COPY



Crl.O.P.(MD)No.22344 of 2022

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.22344 of 2022

Dated: 19.12.2022