



Crl.O.P.(MD)No.22498 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.12.2022**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22498 of 2022

P.Ratha Ganesan,

: Petitioner

Vs

1. The Deputy Superintendent Of Police,
Theni Sub Division,
Theni District

2. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
Cr.No.446/2022.

3. V.Ganesan,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Special Court for under the SC/ST (POA) Theni District to consider the bail application of the petitioner on the same day of surrender in Crime No.446/2022 on the file of the second respondent police.



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For Petitioner : Mr.G.R.Satish
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the Special Court for under the SC/ST (POA), Theni District, to consider the bail application of the petitioner on the same day of surrender in Crime No.446/2022 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 147, 448, 323, 379 and 506(1) IPC r/w Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.446 of 2022, pending on the file of the second respondent police and apprehending arrest, the petitioner has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondents 1



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and 2 and perused the materials available on record.

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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 Special Court for under the SC/ST (POA), Theni District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.446 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



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to consider it favorably.

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

20.12.2022

Index : Yes / No
Internet : Yes / No
lr



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To

- 1.The Special Court for SC/ST (POA),
Theni District.
2. The Deputy Superintendent Of Police,
Theni Sub Division,
Theni District
3. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.22498 of 2022

Dated: 20.12.2022