



*Crl.O.P.(MD)No.22579 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.12.2022**

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

**Crl.O.P.(MD)No.22579 of 2022**

1.Chandran

2.Kalailingam

3.Gopinath

4.Naveen

5.Pappa

6.Pichaimuthu

... Petitioners

Vs.

1.State through  
The Inspector of Police,  
Ilayangudi Police Station,  
Sivagangai.  
(Crime No.346 of 2022)

2.Krishnamoorthy

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Special Court/Additional District Court under the SC/ST Act, Sivagangai District, Sivagangai to consider



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the bail application of the petitioners on the same day of their surrender in Crime No.346 of 2022 pending investigation on the file of the first respondent police.

For Petitioners : Mr.K.P.Krishna Doss

For R1 : 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/Additional District Court under the SC/ST Act, Sivagangai District, Sivagangai, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.346 of 2022 on the file of the first respondent.

2. The petitioners are the accused for the offences punishable under Sections 143, 147 and 427 IPC and Section 3(l)(g) of SC/ST (POA) Act in Crime No.346 of 2022, pending on the file of the first respondent and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the first respondent and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the petitioners 1 and 4 to 6 are having one previous case for the offence under Section 506(1) IPC and that the petitioners 2 and 3 are having two previous cases, in which, one case for the offence under Section 506(1) IPC and the other case for the offences under Sections 506(1) IPC and 4 of TNPHW Act. He would further submit that the accused had caused damages to the crops to the tune of Rs.1,00,000/-.

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 Special Court/Additional District Court under the SC/ST Act, Sivagangai District, Sivagangai, to consider the petitioners' bail



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application, preferably on the same day of their surrender in connection with Crime No.346 of 2022 on the file of the first 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 the concerned jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

6. At the time of passing orders, the learned Judge, Special Court/Additional District Court under the SC/ST Act, Sivagangai District, Sivagangai, is directed to take note of the damages caused by the petitioners and also the previous cases of the petitioners.

7. 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.



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

**21.12.2022**

Index : Yes / No  
Internet : Yes / No  
csm

To

- 1.The Special Court/Additional District Court  
under the SC/ST Act, Sivagangai District, Sivagangai.
- 2.The Inspector of Police,  
Ilayangudi Police Station,  
Sivagangai.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

csm

Order made in  
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