



Crl.A(MD)No.881 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.881 of 2022

C.Kannan

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Periyakulam,
Theni District.

2.The Inspector of Police,
Thenkarai Police Station,
Theni District.

... Respondents 1 & 2/Complainants

3.Eswari

... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Amendment Act 1 of 2016, to set aside the order dated 03.11.2022 made in Crl.M.P.No. 1142/2022 in Crime No.392 of 2022 on the file of the learned Sessions Judge, Special Court for trial of the cases under SC/ST (POA) Act, Theni and enlarge the petitioner on bail.



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For Appellants : Mr.C.Jeganathan
For Respondents : Mr.RMS.Sethuraman for R1 & R2
Additional Public Prosecutor
Mrs.S.Mahalakshmi for R3

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J U D G M E N T

This Criminal Appeal has been filed against the order dated 03.11.2022 made in Crl.M.P.No.1142/2022 in Crime No.392 of 2022 on the file of the learned Sessions Judge, Special Court for trial of the cases under SC/ST (POA) Act, Theni and enlarge the petitioner on bail.

2.This is the second criminal appeal preferred by the appellant. The earlier criminal appeal filed by the appellant in Crl.A.(MD).No.719 of 2022 against the dismissal order of bail application that has been filed by him before the Special Court, was dismissed by this Court, on 18.11.2022 on merits.

3.Thereafter, again the appellant approached the Special Court, by way of another bail application on 15.12.2022 and that was returned by the Special Court, stating that since the earlier Criminal Appeal was decided on merits by this Court, the above said petition is not maintainable. That return by the Special Court is not proper and legal also. Successive bail applications



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can be maintained, even though the appeal that was filed against the dismissal order passed in the previous bail application, was dismissed on merits. Depending upon the change of circumstances, if any petition has been filed, the same may be considered by the Special Court on its own merits.

4.Let the above said petition be represented before the concerned Court and the concerned Court shall process the same and dispose the same on own merits.

5.With the above said directions, this criminal appeal stands disposed of without going into the merits of the issue.

23.12.2022

Index : Yes/No
Internet : Yes/No
TM

Note: Issue Order copy on 23.12.2022.

To

- 1.The Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases,
Theni District.
- 2.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.



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3.The Inspector of Police,
Thenkarai Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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