



Crl.O.P.(MD)No.22881 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22881 of 2022

Subramani

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Keeranur, Pudukkottai District.

2.The Inspector of Police,
Udayalipatti Police Station,
Pudukkottai District.
(Crime No.43 of 2022)

3.Manikandan

4.Vijayakumar

5.Jayapratheepa

6.Poovesh

7.Dinesh

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Special Judge for SC/ST (Prevention of Atrocities) Act / III Additional District and Sessions Judge (PCR Unit), Pudukkottai to consider the bail application of the petitioner on the same day of their surrender in Crime No.43 of 2022 on the file of the respondent Police.



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For Petitioner : Mr.M.Ramu

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 learned Special Judge for SC/ST (Prevention of Atrocities) Act / III Additional District and Sessions Judge (PCR Unit), Pudukkottai to consider the bail application of the petitioner on the same day of their surrender in Crime No.43 of 2022 on the file of the respondent Police.

2. The petitioner is an accused for the offences punishable under Sections 147, 148, 341, 294(b), 324, 307, 506(ii) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (PoA) Amendment Act, 2015 in Crime No.43 of 2022, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 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 learned Special Judge for SC/ST (Prevention of Atrocities) Act / III Additional District and Sessions Judge (PCR Unit), Pudukkottai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.43 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 to consider it favorably.



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

23.12.2022

Index : Yes / No
Internet : Yes / No
das

To

- 1.The Special Judge for SC/ST (Prevention of Atrocities) Act/
III Additional District and Sessions Judge (PCR Unit),
Pudukkottai.
- 2.The Deputy Superintendent of Police,
Keeranur, Pudukkottai District.
- 3.The Inspector of Police,
Udayalipatti Police Station,
Pudukkottai 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
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