



Crl.O.P.(MD)No.22889 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22889 of 2022

Santhoush @ Santhoush Kannan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Elayankudi Division, Sivagangai District.

2.The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.
(Crime No.332 of 2022)

3.Muniyandi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Additional District Court and Sessions Court for the Exclusive trial of PCR Act cases, Sivagangai and accept the petitioner surrender in connection with Crime No.332 of 2022, on the file of the second respondent and consider his bail application on the same day in accordance with law.

For Petitioner : Mr.J.M.Hassanul Bazari,



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

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the Additional District Court and Sessions Court for the Exclusive trial of PCR Act cases, Sivagangai and accept the petitioner surrender in connection with Crime No.332 of 2022, on the file of the second respondent and consider his bail application on the same day in accordance with law.

2. The petitioner is an accused for the offences punishable under Sections 143, 147, 435, 120(b) IPC and Section 3(2)(iii) of SC/ST (PoA) Amendment Act, 2015 in Crime No.332 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 Additional District Court and Sessions Court for the Exclusive trial of PCR Act cases, Sivagangai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.332 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 Additional District and Sessions Judge
for Exclusive trial of PCR Act cases,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Elayankudi Division, Sivagangai District.
- 3.The Inspector of Police,
Elayankudi Police Station,
Sivagangai 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
Crl.O.P.(MD)No.22889 of 2022

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