



Crl.O.P.(MD)No.22892 of 2022

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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.22892 of 2022

1.Selvam

2.Nirosha

3.Gandhi

4.Karthikeyan

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Thiruppathur, Sivagangai District.

2.The Inspector of Police,
Poolankurichi Police Station,
Sivagangai District.
(Crime No.21 of 2022)

3.Backiyam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for cases Triable under SC/ST Act, Sivagangai to consider the bail application on the same day in connection with Crime No.21 of 2022 on the file of the second respondent.



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For Petitioners : Mr.P.Venkata Subramanian,

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 Special Court for cases Triable under SC/ST Act, Sivagangai to consider the bail application on the same day in connection with Crime No.21 of 2022 on the file of the second respondent.

2. The petitioners are accused for the offences punishable under Sections 294(b), 323, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022 and Section 3(1)(r), 3(1)(s) of SC/ST (PoA) Amendment Act, 2015 in Crime No.21 of 2022, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. Heard the learned counsel appearing for the petitioners, 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 Special Court for cases Triable under SC/ST Act, Sivagangai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.21 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 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.

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 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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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 cases Triable under SC/ST Act, Sivagangai.
- 2.The Deputy Superintendent of Police, Thiruppathur, Sivagangai District.
- 3.The Inspector of Police, Poolankurichi 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
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