



Crl.O.P.(MD)No.23271 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **28.12.2022**

CORAM

THE HON'BLE MS.JUSTICE R.N.MANJULA

Crl.O.P.(MD)No.23271 of 2022

Karthick

.. Petitioner/Sole Accused

Vs.

1.The State through,
The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.

2.The State through,
The Inspector of Police,
Pandalgudi Police Station,
Aruppukottai Taluk,
Virudhunagar District.
(Crime No.90 of 2022)

.. Respondents1&2/Complainants

3. Selvam

.. 3rd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Judge for SC/ST (POA) Act Cases, Srivilliputhur at Virudhunagar District, to accept the surrender of the petitioner/sole accused and consider the petitioner's bail



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application on the same day in connection with Crime No.90 of 2022 on the file of the second respondent police.

For Petitioner : Mr.G.Mariappan

For R1 & R2 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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 (POA) Act Cases, Srivilliputhur at Virudhunagar District, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.90 of 2022 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 341, 294(b), 323 and 506(1) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (POA)Act, 1989, in Crime No.90 of 2022, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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3. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

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 (POA) Act Cases, Srivilliputhur at Virudhunagar District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.90 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.



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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.

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

28.12.2022

Index : Yes / No
Internet : Yes / No
PJL/TRP



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To

- 1.The Special Judge for SC/ST (POA) Act Cases,
Srivilliputhur at Virudhunagar District.
- 2.The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.
- 3.The Inspector of Police,
Pandalgudi Police Station,
Aruppukottai Taluk,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA,J.

PJL/TRP

Order made in
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