



Crl.O.P.(MD)No.23295 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.12.2022**

CORAM

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

Crl.O.P.(MD)No.23295 of 2022

J.Thiruvengadam

... Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Kulithalai Division,
Karur District.

2.The Inspector of Police,
Palaviduthi Police Station,
Karur, Karur District.
(Crime No.194 of 2022)

3.Gobalakrishnan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned District Sessions Judge cum Special Court for exclusive trial for SC/ST Act cases (PCR Court), Karur, to consider the bail application on the same day filed by the petitioner in Crime No.194 of 2022.

For Petitioner
For R1 & R2

: Mr.S.Gokul Raj
: Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking a direction to the learned District Sessions Judge cum Special Court for exclusive trial for SC/ST Act cases (PCR Court), Karur, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.194 of 2022 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 323 and 506(i) IPC r/w Sections 3(l)(r), 3(l)(s) and 3(2) (va) of SC/ST (PoA) Amendment Act, 2015 in Crime No.194 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 Additional Public Prosecutor 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 District Sessions Judge cum Special Court for exclusive trial for SC/ST Act cases (PCR Court), Karur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.194 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.

28.12.2022

Index : Yes / No
Internet : Yes / No
CM/ogy

To

- 1.The Deputy Superintendent of Police,
Kulithalai Division,
Karur District.
- 2.The Inspector of Police,
Palaviduthi Police Station,
Karur, Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA,J.

CM/OGY

Order made in
Crl.O.P.(MD)No.23295 of 2022

Dated: 28.12.2022