



WEB COPY



Crl.O.P.No.3538 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 16.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.3538 of 2023**

1. M.Sundari
2. Asothai
- 3.Givindammal
- 4.Manikandan

... Petitioners

/vs/

1. The Deputy Superintendent of Police (DSP),  
Gingee, Sub Division,  
Villupuram District.

2. State Rep by its  
The Inspector of Police,  
D-8 Police Station,  
Villupuram District.

... Respondents

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Principal Special Court for trial of SC/ST Act Cases, Villupuram to accept the surrender and to consider the bail application filed by these petitioners in Crime No.8 of 2023 on the file of the 2<sup>nd</sup> respondent.



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For Petitioners ... Mr.S.Ajith  
For Respondents ... Mr.S.Santhosh  
Government Advocate (crl.side)

**ORDER**

This Criminal Original Petition has been filed seeking for a direction to the the Principal Special Court for trial of SC/ST Act Cases, Villupuram to accept the surrender and to consider the bail application filed by these petitioners in Crime No.8 of 2023 on the file of the 2<sup>nd</sup> respondent.

2. 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 of the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to Principal Special Court for trial of SC/ST Act Cases, Villupuram to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.8 of 2023 registered for the offences under Sections 147, 294(b) of IPC read with Section 3(1)(r), 3(1)(s) & 3(1)(za)(A) of SC/ST (Prevention of Atrocities) Act, 1989 on the file of the second respondent and pass appropriate orders in accordance



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with law, after affording due opportunity to the victims under Section 15-A of the SC/ST (POA) Act, 1989. 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.

3. 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 favourably.

4. In view of the above, the Criminal Original Petition stands allowed.

**16.02.2023**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non speaking order  
Sma

**G.CHANDRASEKHARAN, J.**



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Sma

To

1. The Deputy Superintendent of Police (DSP),  
Gingee, Sub Division,  
Villupuram District.
2. State Rep by its  
The Inspector of Police,  
D-8 Police Station,  
Villupuram District.
3. The Public Prosecutor,  
High Court, Madras.

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