



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P. (MD) No.219 of 2023

1.Mahesh

2.Barathi @ Bharathi

... Petitioners / Accused 1 & 2

Vs.

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Thiruppathur Sub Division,
Sivagangai District.

2.State through,
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No.172 of 2022)

... Respondents 1 & 2

3.Gopi

... Respondent 3 / Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Special Court for Exclusive Trial for SC/ST Act Case, Sivagangai to consider the bail application to be filed by the petitioners on the same day of their surrender in connection with Crime No.172 of 2022 on the file of the second respondent in accordance with law.

For Petitioners : Mr.R.Manickaraj,

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

: Mr.K.Baalasundaram, for R3.

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the Special Court for Exclusive Trial for SC/ST Act Case, Sivagangai to consider the bail



application to be filed by the petitioners on the same day of his surrender in connection with Crime No.172 of 2022 on the file of the second respondent in accordance with law.

2. The petitioners are accused for the offences punishable under Sections 341, 294(b), 506(i) IPC and Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Amendment Act, 2015 in Crime No.172 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 the learned counsel for the third respondent and also perused the materials available on record.

4. The third respondent is at liberty to file their objections before the trial Court.

5. 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 Judge, Special Court for Exclusive Trial for SC/ST Act Case, Sivagangai, to consider the petitioners' bail application, preferably on the same day of his surrender in connection with Crime No.172 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.

6. 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.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/01/2023

Sub Assistant Registrar(CS)



das

To

1 The Judge,
Special Court for Exclusive Trial for SC/ST Act Case,
Sivagangai

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Thiruppathur Sub Division,
Sivagangai District.

3.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.MANICKARAJ, Advocate (SR-964[F] dated 06/01/2023)

Crl.O.P.(MD)No.219 of 2023

Dated: 05.01.2023

MK/(11.01.2023) 3P 6C