



*Crl.O.P.(MD)No.50 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2023

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.501 of 2023

1.Annamalai @ Arunachalam

2.Karthigairaja

3.Ponraj

4.Shanmugapandian

5.Balaganesh

... Petitioners

Vs.

State rep.by its

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

2.The Inspector of Police,  
Aruppukottai Town Police Station,  
Virudhunagar District.  
(Crime No.1 of 2023)

3.Pandeeswari

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for SC/St Cases, Srivilliputhur, Virudhunagar District, to consider the bail



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application on their surrender on the same day, if any petition filed by the petitioners in Crime No.1 of 2023 on the file of the second respondent.

For Petitioners : Mr.B.Basker,

For R1 & R2 : Mr.R.Sivakumar,  
Government Advocate (Crl.Side)

### **ORDER**

This Criminal Original Petition filed, under Section 482 Cr.P.C., seeking orders to direct the learned Special Court for SC/ST Cases, Srivilliputhur, Virudhunagar District, to consider the bail application on their surrender on the same day, if any petition filed by the petitioners in Crime No.1 of 2023 on the file of the second respondent.

2. The petitioners are accused for the offences punishable under Sections 147, 294(b), 448, 342 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act r/w Section 3(l)(r)(s) of SC/ST (PoA) Amendment Act, 2015 in Crime No.1 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondents 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 Court for SC/ST Cases, Srivilliputhur, Virudhunagar District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.1 of 2023 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



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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.

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

**09.01.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
das

To

- 1.The Special Court for SC/ST Cases,  
Srivilliputhur, Virudhunagar District.
- 2.The Deputy Superintendent of Police,  
Aruppukottai,  
Virudhunagar District.
- 3.The Inspector of Police,  
Aruppukottai Town Police Station,  
Virudhunagar 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  
Crl.O.P.(MD)No.501 of 2023

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