



Crl.O.P.(MD)No.749 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.749 of 2023

Kottaisamy

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thiruvadanai Sub Division,
Ramanathapuram District.

2.The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.
(Crime No.180 of 2020)

3.Chellapandi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for Exclusive Trial of SC/ST (POA) Act Cases 1989, Ramanathapuram to consider the bail application of the petitioner to be filed in Crime No.180 of 2020 on the file of the second respondent police and to accept his surrender on the same day on merits.



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

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Special Court for Exclusive Trial of SC/ST (POA) Act Cases 1989, Ramanathapuram to consider the bail application of the petitioner to be filed in Crime No.180 of 2020 on the file of the second respondent police and to accept his surrender on the same day on merits.

2. The petitioner is an accused for the offences punishable under Sections 341, 323 and 324 IPC and Sections 3(l)(r) and 3(l)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.180 of 2020, 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 Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the the concerned respondent has laid absconding charge sheet against the petitioner and that the Sessions Court, while taking cognizance, has issued Non-Bailable Warrant against the petitioner.

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 Special Court for Exclusive Trial of SC/ST (POA) Act Cases 1989, Ramanathapuram, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.180 of 2020 on the file of the second respondent police and pass appropriate orders, in accordance with law,



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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.

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.

11.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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To

- 1.The Special Court for
Exclusive Trial of SC/ST (POA) Act Cases 1989,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Thiruvadanai Sub Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.749 of 2023

Dated: 11.01.2023