



Crl.O.P.(MD)No.1378 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1378 of 2023

Jesudoss

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Thilagar Thidal ACP Office,
New Ellis Nagar,
Madurai.

2. The Inspector of Police,
S.S. Colony Police Station,
Madurai - 625 016.
(Crime No.857 of 2015)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned III Additional District Judge (Special Court for Trial of case registered under SC/ST Act) Madurai to consider the bail application to be filed by the petitioner on the same day of surrender in Crime No.857 of 2015, dated 14.10.2015 on the file of the second respondent Police.

For Petitioner : Mr.K.K.Kannan,

For Respondents : Mr.R.Sivakumar,
Government Advocate (Criminal Side)



Crl.O.P.(MD)No.1378 of 2023

WEB COPY

ORDER

The Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned III Additional District Judge (Special Court for Trial of case registered under SC/ST Act) Madurai, to consider the bail application to be filed by the petitioner on the same day of surrender in Crime No.857 of 2015, dated 14.10.2015 on the file of the second respondent Police.

2. The petitioner is the accused for the offences punishable under Sections 304 (A) IPC altered into Sections 79 r/w 33(2) MSAD Act, and Section 3(1) (j) SC/ST (POA) Amendment Act, 2013, in Crime No.857 of 2015, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. The learned Government Advocate (Criminal Side) appearing for the State would submit that originally FIR came to be registered under Section 304 (A) IPC and subsequently, after investigation, final report came to be filed under Sections 304(A) IPC; Sections 7 and 8 r/w 33(2) of the Employment of Manual Scavengers and construction of Dry



Crl.O.P.(MD)No.1378 of 2023

Latrines (Prohibition) Act, 1993; and Sections 3(1)(j), 3(2)(v) of SC/ST (POA) amendment Act. He would further submit that the petitioner is not having any previous case.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the State and perused the materials available on record.

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 III Additional District Judge (Special Court for Trial of case registered under SC/ST Act) Madurai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.857 of 2015 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



Crl.O.P.(MD)No.1378 of 2023

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.

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

30.01.2023

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



Crl.O.P.(MD)No.1378 of 2023

WEB COPY

To

- 1.The III Additional District Judge,
(Special Court for Trial of case registered under SC/ST Act)
Madurai.
- 2.The Assistant Commissioner of Police,
Thilagar Thidal ACP Office,
New Ellis Nagar,
Madurai.
3. The Inspector of Police,
S.S. Colony Police Station,
Madurai - 625 016.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1378 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.1378 of 2023

Dated: 30.01.2023