



Crl.O.P.(MD)No.1322 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1322 of 2023

Baskaran @ Baskar,

: Petitioner

Vs

1. The Deputy Superintendent Of Police,
Thanjavur Rural Sub Division,
Thanjavur District

2. The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Crime No.12 of 2023

3. Karuppaiyan,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST(POA) Act, Thanjavur District, to consider the bail application to be filed by the petitioner on the same day of its filing on his surrender in connection with the case in Crime No.12 of 2023, on the file of the Inspector of Police, Kabisthalam Police Station, Thanjavur District.



WEB COPY



Crl.O.P.(MD)No.1322 of 2023

For Petitioner : Mr.R.L.Dhilipan Pandian
For R1 & R2 : Mr.S.S.Madhavan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST(POA) Act, Thanjavur District, to consider the bail application to be filed by the petitioner on the same day of its filing and on his surrender in connection with the case in Crime No.12 of 2023, on the file of the Inspector of Police, Kabisthalam Police Station, Thanjavur District.

2. The petitioner is an accused for the offences punishable under Sections 294(b) and 355 IPC r/w Sections 3(l)(r) and 3(l)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.12 of 2023, pending on the file of the second respondent police and apprehending arrest, the petitioner has filed the present petition.



Crl.O.P.(MD)No.1322 of 2023

WEB COPY

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 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 Sessions Judge, Special Court for Trial of Cases registered under SC/ST(POA) Act, Thanjavur District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.12 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 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.



Crl.O.P.(MD)No.1322 of 2023

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.

24.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
lr



WEB COPY



Crl.O.P.(MD)No.1322 of 2023

To

- 1.The Sessions Judge, Special Court for
Trial of Cases registered under
SC/ST(POA) Act, Thanjavur District.
2. The Deputy Superintendent Of Police,
Thanjavur Rural Sub Division,
Thanjavur District
3. The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1322 of 2023

K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.1322 of 2023

Dated: 24.01.2023