



Crl.O.P.(MD)No.1361 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.1361 of 2023

Senthattikkalai,

: Petitioner

Vs

1. The Deputy Superintendent Of Police,
Aundipatti, Theni District.

2. The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Crime No. 08/2023.

3. Raja,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Special Court for Trial of cases under SC/ST (POA) Act, Theni, to consider the bail application of the petitioner concerned in Crime No. 08 of 2023 on the file of the second respondent police.



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Crl.O.P.(MD)No.1361 of 2023

For Petitioner : Mr.S.Vikram
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 Special Court for Trial of cases under SC/ST (POA) Act, Theni, to consider the bail application of the petitioner concerned in Crime No. 08 of 2023, on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 447, 427, 506(1) IPC r/w Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.8 of 2023, pending on the file of the second respondent police and apprehending arrest, the petitioner has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondents 1



Crl.O.P.(MD)No.1361 of 2023

and 2 and perused the materials available on record.

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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 Special Court for Trial of cases under SC/ST (POA) Act, Theni, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.8 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.

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



Crl.O.P.(MD)No.1361 of 2023

to consider it favorably.

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

24.01.2023

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



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Crl.O.P.(MD)No.1361 of 2023

To

- 1.The Special Court for Trial of cases
under SC/ST (POA) Act, Theni.
2. The Deputy Superintendent Of Police,
Aundipatti, Theni District.
3. The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.1361 of 2023

K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.1361 of 2023

Dated: 24.01.2023