



Crl.O.P.(MD)No.1405 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1405 of 2023

Balamurugan

... Petitioner

Vs.

1.State represented by its
The Deputy Superintendent of Police,
Aundipatti,
Theni District.

2.The Inspector of Police,
Vaigai Dam Police Station,
Theni District.
(Crime No.4 of 2023)

3.Ajithkumar

4.Srirengan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Special Court for the Exclusive Trial of SC and ST Cases, Theni to consider the bail application on his surrender on the same day, if any petition filed by the petitioner in Crime No.4 of 2023 on the file of the second respondent.



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For Petitioner : Mr.C.Susi Kumar

For R1 & R2 : Mr.SS.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 the Exclusive Trial of SC and ST Cases, Theni to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.4 of 2023 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 323, 355 and 506(2) IPC and 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.4 of 2023, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

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.



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4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioner is not having any previous cases.

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 Special Court for the Exclusive Trial of SC and ST Cases, Theni, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.4 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.

6. 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 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.

25.01.2023

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



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WEB COPY

To

- 1.The Special Court for the Exclusive Trial of SC and ST Cases,
Theni.
- 2.The Deputy Superintendent of Police,
Aundipatti,
Theni District.
- 3.The Inspector of Police,
Vaigai Dam Police Station,
Theni 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.1405 of 2023

Dated: 25.01.2023