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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.1424 of 2023

1.Selvam

2.Muneeswaran ... Petitioners

Vs.

1.The State represented by its
The Deputy Superintendent of Police,
Keelakarai,
Ramanathapuram District.

2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.22 of 2023)

3.Lingam ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, (PCR Court), Ramanathapuram, to consider the bail application of the petitioners in connection with the FIR in Crime No.22 of 2023 on the file of the second respondent police on the very same date of the surrender of the

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petitioners and to enlarge them on bail on the very same day itself by allowing the petitioners' bail application.

For Petitioners : Mr.M.S.Jeyakarthik

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 learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, (PCR Court), Ramanathapuram, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No. 22 of 2023 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 147, 294(b) and 323 IPC r/w Sections 3(l)(r) and 3(l)(s) of SC/ST Act in Crime No.22 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

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3. Heard the learned counsel appearing for the petitioners, 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 petitioners are 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 learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, (PCR Court), Ramanathapuram, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.22 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 petitioners shall surrender before the concerned

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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 petitioners 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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To

1.The Sessions Judge,
Special Court for Exclusive Trial of cases under SC/ST (POA) Act,
(PCR Court), Ramanathapuram.

2.The Deputy Superintendent of Police,
Keelakarai,
Ramanathapuram District.

3.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

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Order made in
Crl.O.P.(MD)No.1424 of 2023

Dated: 25.01.2023

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