



Crl.O.P.(MD)No.1887 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1887 of 2023

Vana Lingammal,

: Petitioner

Vs

1. The State represented by
The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Puliyankudi, Tenkasi District

2. The Inspector of Police,
Vasudevanallur Police Station,
Sivakiri Taluk, Tenkasi District.
In Crime No.167 of 2022

3. Thamaraiselvi,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Special Court for SC/ST cases (II Additional Sessions Judge), Tirunelveli to consider the bail application of the petitioner on the same day of her surrender itself in Crime No.167 of 2022 on the file of second respondent police .



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For Petitioner : Mr.A.Robinson
For R1 & R2 : Mr.R.Siva Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned II Additional Sessions Judge, Special Court for SC/ST cases, Tirunelveli to consider the bail application of the petitioner on the same day of her surrender itself in Crime No.167 of 2022, on the file of second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 3(l)(r), 3(l)(s) and 3(1)(w)(i) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 506(1) IPC in Crime No.167 of 2022, 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



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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 learned II Additional Sessions Judge, Special Court for SC/ST cases, Tirunelveli to consider the petitioner's bail application, preferably on the same day of her surrender in connection with Crime No.167 of 2022 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



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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.

01.02.2023

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



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To

1.The II Additional Sessions Judge,
Special Court for SC/ST Cases,
Tirunelveli.

2. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Puliyankudi,Tenkasi District

3. The Inspector of Police,
Vasudevanallur Police Station,
Sivakiri Taluk,Tenkasi District.

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



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K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.1887 of 2023

Dated: 01.02.2023