



*Crl.O.P.(MD)No.1979 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.1979 of 2023**

Mujibur Rahman,

: Petitioner

Vs

1. The Deputy Superintendent Of Police,  
Ramanathapuram District,  
Ramanathapuram

2. The State represented by  
The Inspector of Police,  
Thiruppullani Police Station,  
Ramanathapuram District.  
In Crime No.16/2023

3. Muneswari,

: Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Special Court for SC/ST (Prevention of Atrocities Act) Ramanathapuram District to consider the surrender and Bail application filed by the petitioner in Crime No.16 of 2023 pending on the file of the second respondent police and to consider the bail application filed by the petitioner on the same day.



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For Petitioner : Mr.K.Althaff Sheriff  
For Ajmal Associates  
  
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 Special Court for SC/ST (Prevention of Atrocities Act) Ramanathapuram District to consider the surrender and Bail application filed by the petitioner in Crime No.16 of 2023 pending on the file of the second respondent police and to consider the bail application filed by the petitioner on the same day.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 323, 436 IPC r/w Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.16 of 2023, pending on the file of the second respondent police and apprehending arrest, the petitioner has filed the present petition.



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3.The learned Counsel appearing for the petitioner would submit that the defacto complainant has previously lodged a similar complaint, for which, FIR in Crime No.140 of 2022, came to be registered against the petitioner. He would further submit that due to dispute between the petitioner's son and the defacto complainant, the second complaint came to be lodged against the petitioner herein and only on that basis, the present FIR in Crime No.16 of 2023 came to be registered. The defacto complainant has enmity with the son of the Panchayat President, but the respondent police without implicating him, has registered the present FIR against the petitioner alone.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner has caused damages to the tune of Rs.25,000/-.

5. 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.

6. In view of the specific bar under Section 18 of the Scheduled



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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 SC/ST (Prevention of Atrocities Act) Ramanathapuram District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.16 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.

7. 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.



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8.The Special Court for SC/ST (Prevention of Atrocities Act)

Ramanathapuram District is directed to take note of the damages alleged to have been caused by the petitioner to the tune of Rs.25,000/-.

9. 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 Special Court for SC/ST  
(Prevention of Atrocities Act)  
Ramanathapuram District
2. The Deputy Superintendent Of Police,  
Ramanathapuram District,  
Ramanathapuram
3. The Inspector of Police,  
Thiruppullani Police Station,  
Ramanathapuram 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.1979 of 2023**

Dated: 01.02.2023