



Crl.O.P.(MD)No.1964 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **01.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1964 of 2023

1. Veerakumar,
2. Kanimozhi,

: Petitioners

Vs

1. The State represented by
The Deputy Superintendent Of Police,
Oddanchathiram, Dindigul District

2. The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
(Crime No.663/2022)

3. Vennila,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Special Court for Trial Cases registered under SC/ST(POA) Act, Dindigul to accept the surrender of the petitioners and consider the bail application on merits on the date of their surrender in Crime No.663/2022, on the file of the second respondent police on the very same day.



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Crl.O.P.(MD)No.1964 of 2023

For Petitioners : Mr.M.Pitchai Muthu
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 Sessions Judge, Special Court for Trial Cases registered under SC/ST(POA) Act, Dindigul to accept the surrender of the petitioners and consider the bail application on merits on the date of their surrender in Crime No.663/2022, on the file of the second respondent police on the very same day.

2. The petitioners are the accused for the offence punishable under Sections 294(b), 323 and 506(2) IPC r/w Sections 3(l)(r), 3(l)(s), 3(1)(w) (i) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.663 of 2022, pending on the file of the second respondent police and apprehending arrest, the petitioner has filed the present petition.



Crl.O.P.(MD)No.1964 of 2023

3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 and perused the materials available on record.

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 Sessions Judge, Special Court for Trial Cases registered under SC/ST(POA) Act, Dindigul, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.663 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 petitioners 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



Crl.O.P.(MD)No.1964 of 2023

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.

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

01.02.2023

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



Crl.O.P.(MD)No.1964 of 2023

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To

- 1.The Sessions Judge,
Special Court for Trial Cases
registered under SC/ST(POA) Act,
Dindigul
2. The Deputy Superintendent Of Police,
Oddanchathiram, Dindigul District
3. The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.1964 of 2023

K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.1964 of 2023

Dated: 01.02.2023