



Crl.O.P.(MD)No.2342 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2342 of 2023

1.Katturaja @ Sonaisamy

2.Chinnaponnu

3.Chandrasekar

4.Pothai @ Ayyanar

5.Kalaiselvi

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

2.The Inspector of Police,
Tiruppachethi Police Station,
Sivagangai District.
(Crime No.7 of 2023)

3.M.Latchumi

4.Marimuthu

5.Sakthi

... Respondents



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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for Exclusive Trial of SC/ST POA Act Cases 1989, Sivagangai to consider the bail application of the petitioners to be filed in Crime No.7 of 2023 on the file of the second respondent police and to accept their surrender on the same day on merits.

For Petitioners : Mr.R.Balamuruganantham

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 Special Court for Exclusive Trial of SC/ST POA Act Cases 1989, Sivagangai, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.7 of 2023 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 147, 148, 323, 324 and 506(2) IPC and Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention



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of Atrocities) Amendment Act, 2015 in Crime No.7 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

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 first petitioner/third accused is having six previous cases and that the petitioners 2 to 5 are not having any previous cases.

5. At this juncture, the learned counsel appearing for the petitioners would submit that he is not pressing this petition as far as the first petitioner is concerned. Hence, this petition is dismissed as not pressed as against the first petitioner concerned.

6. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and



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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 Special Court for Exclusive Trial of SC/ST POA Act Cases 1989, Sivagangai, to consider the petitioners 2 to 5 bail application, preferably on the same day of their surrender in connection with Crime No.7 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 2 to 5 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 petitioners 2 to 5 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. With the above direction, this Criminal Original Petition stands partly allowed.

06.02.2023

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

To

- 1.The Special Court for Exclusive Trial of SC/ST POA Act Cases 1989,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.
- 3.The Inspector of Police,
Tiruppachethi Police Station,
Sivagangai 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.2342 of 2023

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