



Crl.O.P.(MD)No.2867 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.2867 of 2023

1.Mookkaiyan  
2.Manjula

... Petitioners

Vs.

1.The Deputy Superintendent of Police,  
Pudukkottai Division, Pudukkottai District.

2.The Sub Inspector of Police,  
Gandharvakottai Police Station,  
Pudukkottai District.  
(In Crime No.42 of 2023)

3.Subasri

... Respondents

**PRAYER** : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned III Additional Sessions Judge and Special Court for the Exclusive Trial of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Pudukkottai to accept the surrender of the petitioners and consider their bail application and grant bail on the same date of surrender itself in Crime No.42 of 2023 dated 26.01.2023 on the file of the second respondent police.

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For Petitioners : Mr.B.Sekar  
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 III Additional Sessions Judge and Special Court for the Exclusive Trial of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Pudukkottai to accept the surrender of the petitioners and consider their bail application and grant bail on the same date of surrender itself in Crime No.42 of 2023 dated 26.01.2023 on the file of the second respondent police.

2.The petitioners are the accused for the offences punishable under Sections 294(b), 323 IPC r/w Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.42 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 III Additional Sessions Judge and Special Court for the Exclusive Trial of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Pudukkottai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.42 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.

**16.02.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
gns



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To

- 1.The III Additional Sessions Judge/  
Special Court for the Exclusive Trial of the Scheduled Castes and  
Scheduled Tribes (Prevention of Atrocities) Act Cases,  
Pudukkottai.
- 2.The Deputy Superintendent of Police,  
Pudukkottai Division, Pudukkottai District.
- 3.The Sub Inspector of Police,  
Gandharvakottai Police Station,  
Pudukkottai 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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