



Crl.O.P.(MD)No.2946 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2946 of 2023

1.A.Sampath Kumar

2.G.Muthukumar

3.A.Muthu

4.S.Alwar

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Mudukulathur, Ramanathapuram District.

2.The Sub-Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Crime No.311 of 2022.

3.Kathiresan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Sessions Court for SC/ST Act Cases, Ramanathapuram, to consider the bail petition of the petitioners on the very same day of surrender in Crime No.311 of 2022 on the file of the first respondent Police.



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For Petitioners : Mr.D.Shanmugaraja Sethupathi
For R1 & R2 : Mr.SS.Madhavan,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to direct the Sessions Court for SC/ST Act Cases, Ramanathapuram, to consider the bail petition of the petitioners on the very same day of surrender in Crime No.311 of 2022 on the file of the first respondent Police.

2. The petitioners are accused for the offences punishable under Sections 324, 506(ii) IPC and Sections 3(l)(r), 3(l)(s) of SC/ST (POA) Amendment Act, in Crime No.311 of 2022, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the State would submit that the Deputy Superintendent of Police, Mudukulathur, after investigation, has filed the report, dated 14.02.2023, deleting the



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petitioners 2 to 4/accused 2 to 4 as they were not involved in the occurrence. But, the first petitioner is involved in this case for the offences under Section 323 IPC r/w Sections 3(1)(r)(s) of SC/ST (POA) Amendment Act, 2015.

4. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the State and perused the materials available on record.

5. Recording the submission made by the learned Government Advocate(Criminal Side), this petition is dismissed as infructuous insofar as the petitioners 2 to 4 are concerned.

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 Sessions Court for SC/ST Act Cases, Ramanathapuram, to consider the first petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.311 of 2022 on the file



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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 first 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.

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 first 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.

7. With the above direction, this Criminal Original Petition stands allowed in respect of the first petitioner is concerned.

15.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Sessions Judge, for SC/ST Act Cases,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Mudukulathur, Ramanathapuram District.
- 3.The Sub-Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.2946 of 2023

Dated: 15.02.2023