



Crl.O.P.(MD)No.3087 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

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- 1.Achu @ Aswathaman
- 2.Karthi @ Karthick
- 3.Harish @ Hariharan
- 4Vicky @ Jeganathan
- 5.Deepan @ Singapur @ Deepankumar

... Petitioners

Vs.

- 1.The Deputy Superintendent of Police,
Theni Sub Division, Theni District.
- 2.State rep. the Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.4 of 2023)
- 3.Muthulakshmi
- 4.Alaguraja

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for SC/ST



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Act Cases, Theni to accept the surrender of the petitioners and consider their bail application on the same day in connection with the Crime No.4 of 2023, dated 07.01.2023 on the file of the respondent Police.

For Petitioner : Mr.R.Shankar Ganesh,

For R1 & R2 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to direct the learned Special Court for SC/ST Act Cases, Theni, to accept the surrender of the petitioners and consider their bail application on the same day in connection with the Crime No.4 of 2023, dated 07.01.2023 on the file of the respondent Police.

2. The petitioners are accused for the offences punishable under Sections 147, 324 and 379 IPC, subsequently, altered into Sections 147, 294(b), 323, 324, IPC r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act, 2015, in Crime No.4 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. The learned Additional Public Prosecutor appearing for the State would submit that the injured was discharged from the hospital and that no previous case is pending against the petitioners.

4. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

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 Special Court for SC/ST Act Cases, Theni, to consider the petitioners' bail application, preferably on the same day of his surrender in connection with Crime No.4 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 is disposed of.

20.02.2023

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



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To

- 1.The Sessions Judge,
Special Court for SC/ST Act Cases, Theni.
- 2.The Deputy Superintendent of Police,
Theni Sub Division, Theni District.
- 3.The Inspector of Police,
Allinagaram Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J.

das

Order made in
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