



Crl.O.P.(MD)No.3063 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3063 of 2023

Veeraiyan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District.

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(Crime No.1265 of 2022)

3.Kaliyaperumal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to accept the surrender of the petitioner before the Special Court for SC/ST (Prevention of Atrocities) Act, I Additional District and Sessions Judge at Thanjavur in connection with the Crime No. 1265 of 2022 on the file of the second respondent police and to consider the bail application filed by the petitioner on the same day.



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Crl.O.P.(MD)No.3063 of 2023

For Petitioner : Mr.K.M.Karunakaran,

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 accept the surrender of the petitioner before the Special Court for SC/ST (Prevention of Atrocities) Act/ I Additional District and Sessions Judge at Thanjavur, in connection with Crime No.1265 of 2022 on the file of the second respondent police and to consider the bail application filed by the petitioner on the same day.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 447, 427, 506(i) IPC r/w 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (POA) Act 1989, in Crime No.1265 of 2022, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. The learned Additional Public Prosecutor appearing for the State would submit that due to land dispute between the petitioner and the defacto complainant, the petitioner has trespassed into the defacto complainant's land and damaged the crops.



Crl.O.P.(MD)No.3063 of 2023

4. Heard the learned counsel appearing for the petitioner, 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 Special Court for SC/ST (Prevention of Atrocities) Act/ I Additional District and Sessions Judge at Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.1265 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 learned Sessions Judge is also directed to take into account of the damage caused by the petitioner to the crops at the time of passing order. The 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.



Crl.O.P.(MD)No.3063 of 2023

WEB COPY

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 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.

20.02.2023

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



Crl.O.P.(MD)No.3063 of 2023

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To

- 1.The Special Court for SC/ST(Prevention of Atrocities)
Act/ I Additional District and Sessions Judge.
Thanjavur.
- 2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.3063 of 2023

G.ILANGOVAN,J.

das

Order made in
Crl.O.P.(MD)No.3063 of 2023

Dated: 20.02.2023