



Crl.O.P.(MD)No.3134 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3134 of 2023

Sakthivel

... Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Keeranur Police Station,
Pudukottai District.

2. The Inspector of Police,
Nagudi Police Station,
Pudukottai District.
(Crime No.30 of 2023).

...Respondents 1 and 2/Complainants

3. Chinnadurai

...3rd Respondent/ Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned District Sessions Court Special Court for Exclusive trial of Cases registered under SC/ST(POA) Act, Pudukottai, to consider the bail application of the petitioner on the same day of his surrender in Crime No.30 of 2023 on the file of the second respondent Police.

For Petitioner : Mr. Rajarajan.M

For R1 & R2 : Mr.R.Sureshkumar
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned District Sessions Court Special Court for Exclusive trial of Cases registered under SC/ST(POA) Act, Pudukottai, to consider the bail application of the petitioner on the same day of his surrender in Crime No.30 of 2023 on the file of the second respondent Police.

2. The petitioner is the accused for the offences punishable under Sections 294(b), 506(i) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.30 of 2023 dated 09.02.2023, 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 petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.



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4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that there is no injury in this matter.

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 District Sessions Court Special Court for Exclusive trial of Cases registered under SC/ST(POA) Act, Pudukottai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.30 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 15A(3) of the SC/ST Act. 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.

6. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous



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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. Even though there is continuous registration of First Information Report against the petitioner, for which, the learned counsel for the petitioner would submit that because of functioning of the punchayath, in which he is acting as President, frequent problems have been arose between the parties and subsequent to that, the cases have been registered. The submission of the learned counsel for the petitioner may be taken into account by the concerned Special Court while considering the petitioner's bail application.

8. With the above direction, this Criminal Original Petition stands allowed.

10.03.2023

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
Indu		



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To

1. The learned District Sessions Court,
Special Court for Exclusive trial of Cases registered
under SC/ST(POA) Act, Pudukottai,
2. The Deputy Superintendent of Police,
Keeranur Police Station,
Pudukottai District.
3. The Inspector of Police,
Nagudi Police Station,
Pudukottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J.

Indu

Order made in
CrI.O.P.(MD)No.3134 of 2023

Dated: 10.03.2023