



Crl.O.P.(MD)No.3360 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.3360 of 2023

R.Vengadachalam

... Petitioner/Accused No.1

Vs.

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

...1st Respondent/Nil

2. State, represented by
The Inspector of Police,
Nagudi Police Station,
Pudukottai District.
(Crime No.3/2023)

...2nd Respondent/Complainant

3. The Village Administration Officer,
Mangalanadu Village,
Aranthangi Taluk,
Pudukottai District.

...3rd Respondent/ Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for Exclusively Trial of SC/ST Act Cases, Pudukottai, to consider the petitioner bail application on the date of his surrender in respect of Crime No.3 of 2023 on the file of the respondent police.



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

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Special Court for Exclusively Trial of SC/ST Act Cases, Pudukottai, to consider the petitioner bail application on the date of his surrender in respect of Crime No.3 of 2023 on the file of the respondent police.

2. The petitioner is the accused for the offences punishable under Sections 3(1)(za)(D), 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.03 of 2023 dated 04.01.2023, 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 injured person.

5. The learned counsel for the petitioner would submit that now the petitioner is ready to give undertaking affidavit before the concerned Special Court or before the concerned authority that they will not indulge in such kind of activities in future.

6. 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 Exclusively Trial of SC/ST Act Cases, Pudukottai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.03 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



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surrender before the concerned jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

7. Since there is change of mindset and attitude of the accused may be considered by the concerned Special Court. There shall be direction to the concerned Special Court that notice may be issued to the defacto complainant and undertaking affidavit that will be given by the petitioner must be supplied to the defacto complainant at that time of hearing the petitioner's bail application. Further merits is left to the concerned Special Court.

8. 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.



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9. With the above direction, this Criminal Original Petition stands disposed of.

10.03.2023

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



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To

1. The learned Special Court for Exclusively
Trial of SC/ST Act Cases, Pudukottai.
2. The Deputy Superintendent of Police,
Pudukottai, Pudukottai District.
3. The Inspector of Police,
Nagudi Police Station,
Pudukottai District.
4. The Village Administration Officer,
Mangalanadu Village,
Aranthangi Taluk,
Pudukottai District.
5. 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.3360 of 2023

Dated: 10.03.2023