



*Crl.O.P.(MD)No.3440 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

CORAM

**THE HON'BLE MR.JUSTICE G.ILANGO VAN**

Crl.O.P.(MD)No.3440 of 2023

V.Kannan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,  
Andipatti Sub Division,  
Theni District.

2.The Inspector of Police,  
Gandamanur Vilakku Police Station,  
Theni District.  
Crime No.15 of 2023.

3.Mathan Srinath

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Principal and District Sessions Judge and Special Court for Scheduled Castes and scheduled Tribes (Prevention of Atrocities) Act, 1989, (amended) 2015, Theni, to accept the surrender of the petitioner and consider his bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.15 of 2023 registered on 18.01.2023 on the file of the second respondent Police.



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For Petitioner : Mr.C.Jeganathan,  
For R1 & R2 : Mr.R.Sivakumar,  
Government Advocate (Criminal Side)

### **ORDER**

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Principal and District Sessions Judge and Special Court for Scheduled Castes and scheduled Tribes (Prevention of Atrocities) Act, 1989, (amended) 2015, Theni to accept the surrender of the petitioner and consider his bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.15 of 2023 registered on 18.01.2023 on the file of the second respondent Police.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 323 and 506(i) IPC r/w Sections 3(l)(r), 3(l)(s) and 3(2) (va) of SC/ST (POA) Amendment Act, 2015 in Crime No.15 of 2023, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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3. The learned Government Advocate (Criminal Side) appearing for the petitioner would submit that the injured discharged from the hospital.

4. 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.

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 Principal and District Sessions Judge and Special Court for Scheduled Castes and scheduled Tribes (Prevention of Atrocities) Act, 1989, (amended) 2015, Theni, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.15 of 2023 on the file of the second respondent police and pass appropriate orders, in accordance with law,



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after affording due opportunity to the victim under Section 15(a) 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 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.

**22.02.2023**

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



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To

- 1.The Principal and District Sessions Judge  
and Special Court for SC/ST (POA) Act,  
Theni.
- 2.The Deputy Superintendent of Police,  
Andipatti Sub Division,  
Theni District.
- 3.The Inspector of Police,  
Gandamanur Vilakku 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  
Crl.O.P.(MD)No.3440 of 2023

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