



Crl.O.P.(MD)No.3588 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3588 of 2023

1.Boopathi

2.Rojar @ Rojar Lawrence

... Petitioners

Vs.

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

2.The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.78 of 2023)

3.Aswinkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to accept the surrender of the petitioners before the Special Court for SC/ST (POA) Act Cases/ I Additional District and Sessions Judge, Thanjavur District in connection with the Crime No.78 of 2023 on the file of the second respondent police and to consider the bail application filed by the petitioners on the same day.



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For Petitioners : Mr.K.M.Karunakaran,
For R1 & R2 : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to accept the surrender of the petitioners before the Special Court for SC/ST (POA) Act Cases/ I Additional District and Sessions Judge, Thanjavur District in connection with the Crime No.78 of 2023 on the file of the second respondent police and to consider the bail application filed by the petitioners on the same day.

2. The petitioners are accused for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC r/w 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989, in Crime No.78 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. The learned Government Advocate (Criminal Side) appearing for the State would submit that he has no instructions with regard to the injured persons.



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4. The learned counsel for the petitioners would submit that the co-accused has been granted bail by the trial Court.

5. 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.

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 Special Court for SC/ST (POA) Act Cases/ I Additional District and Sessions Judge, Thanjavur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.78 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 jurisdictional Court,



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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 stands allowed.

24.02.2023

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



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To

- 1.The Special Court for SC/ST (POA) Act Cases/
I Additional District and Sessions Judge,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Vallam Police Station,
Thanjavur 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.3588 of 2023

Dated: 24.02.2023