



Crl.O.P.(MD)No.3653 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.3653 of 2023

Bharani

... Petitioner

Vs.

1.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 direct the learned Sessions Judge, Special Court for Exclusive Trial of SC/ST Act Cases, Thanjavur District to consider the bail application for the petitioner on the same day in the event of surrender by the petitioner and seek bail in Crime No.78 of 2023 in the file of the second respondent.



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For Petitioner : Mr.B.Vinothkumar,
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 direct the learned Sessions Judge, Special Court for Exclusive Trial of SC/ST Act Cases, Thanjavur District to consider the bail application for the petitioner on the same day in the event of surrender by the petitioner and seek bail in Crime No.78 of 2023 in the file of the second respondent.

2. The petitioner is 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, he has 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 petitioner 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 learned Sessions Judge, Special Court for Exclusive Trial of SC/ST Act Cases, Thanjavur District, to consider the petitioner's bail application, preferably on the same day of his 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 petitioner 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 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.

24.02.2023

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



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To

- 1.The Sessions Judge, Special Court for
Exclusive Trial of SC/ST Act Cases,
Thanjavur District.
- 2.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.3653 of 2023

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