



CrI.O.P.(MD)No.3806 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.3806 of 2023

1.N.Vijayakumar

2.V.Parameswari

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Palani Taluk, Dindigul District.

2.The Inspector of Police,
Palani Town Police Station,
Palani.
Crime No.1029 of 2021

3.Kavitha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned SC&ST Special Court, Dindigul to consider the petitioners bail petition on merits upon the petitioners surrender before the said court and enlarge the petitioners on bail on the same day according to the law in crime No.1029 of 2021 on the file of the second respondent police.



Crl.O.P.(MD)No.3806 of 2023

For Petitioners : Mr.T.Ramasamy

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 SC&ST Special Court, Dindigul to consider the petitioners bail petition on merits upon the petitioners surrender before the said court and enlarge the petitioners on bail on the same day according to the law in crime No.1029 of 2021 on the file of the second respondent police.

2.The petitioners are the accused for the offences punishable under Sections 354, 506(i) IPC and Sections 3(l)(r), 3(l)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.1029 of 2021, 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 petitioners, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.



CrI.O.P.(MD)No.3806 of 2023

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4.The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioners are not having any previous cases and that the first respondent after completing investigation has filed absconding charge sheet against the petitioners and the case was taken on file in S.C.No.46 of 2022 and the jurisdictional Court has issued non-bailable warrant as against the petitioners.

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 SC&ST Special Court, Dindigul, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.1029 of 2021 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, within a period of fifteen days, from the date of the receipt of a copy of this order.



CrI.O.P.(MD)No.3806 of 2023

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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.

28.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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CrI.O.P.(MD)No.3806 of 2023

To

- 1.The SC&ST Special Court, Dindigul
- 2.The Deputy Superintendent of Police,
Palani Taluk, Dindigul District.
- 3.The Inspector of Police,
Palani Town Police Station,
Palani.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.3806 of 2023

K.MURALI SHANKAR,J.

gns

CrI.O.P.(MD)No.3806 of 2023

28.02.2023