



Crl.O.P.(MD)No.4176 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4176 of 2023

1. S.Madhavan
2. D.Deva @ Devaraj
3. V.Murugesan
4. V.Arumugam ... Petitioners/Accused Nos.4,9,10 &11

Vs.

- 1.The Deputy Superintendent of Police,
Tiruvadanai Taluk,
Ramanathapuram District. ...1st Respondent/Nil
2. The State, represented by
Inspector of Police,
Tiruvadanai Police Station,
Ramanathapuram District. ... 2nd Respondent / Complainant
3. A.Jeeva ... 3rd Respondent /Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, direct the learned Special court for the Exclusive Trial of SC and ST cases, Ramanathapuram to consider the



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petitioners' bail application on the date of their surrender in respect of Crime No. 30/2023 on the file of the respondent police.

For Petitioners : Mr. Atham Ali.S

For R1 & R2 : Mr.R.Suresh Kumar
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 the Exclusive Trial of SC and ST cases, Ramanathapuram to consider the petitioners' bail application on the date of their surrender in respect of Crime No.30/2023 on the file of the respondent police.

2. The petitioners are the accused for the offences punishable under Sections 147, 148, 341, 294(b), 355, 363, 379 of IPC and Sections 3(1)(a), 3(1)(e), 3(1)(r), 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.30 of 2023, dated 23.02.2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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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.

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 injured has been discharged from the hospital.

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 Special court for the Exclusive Trial of SC and ST cases, Ramanathapuram, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.30 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



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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.

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.

09.03.2023

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



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To

1. The learned Special court for the Exclusive
Trial of SC and ST cases, Ramanathapuram
2. The Deputy Superintendent of Police,
Tiruvadanai Taluk,
Ramanathapuram District.
2. Inspector of Police,
Tiruvadanai Police Station,
Ramanathapuram District..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
CrI.O.P.(MD)No.4176 of 2023

Dated: 09.03.2023