



Crl.O.P.(MD)No.4674 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4674 of 2023

1.AmshathBeevi
2.SulthanAlavudeen
3.SoaramBeevi
4.S.Mohamed Yusuf

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Othakadai Sub-Division,
Madurai District.

2.State through the Inspector of Police,
Othakadai Police Station,
Madurai District.

3.Pandimeena

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue direction to the learned Special Court for the Exclusive Trial of SC and ST Act Cases, Madurai to consider the bail application of the petitioners on the same day on merits in Crime No. 38 of 2023 on the file of the second respondent police station.



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For Petitioners : Mr.K.Selvam
For R1 & R2 : Mr.B.Nambiselvam
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the Special Court for the Exclusive Trial of SC and ST Act Cases, Madurai, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.38 of 2023 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 323 of IPC r/w 3(l)(r), 3(l)(s) of Schedule Caste and the Schedule Tribunal (Prevention of Atrocities) Act 1989 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.38 of 2023, 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 Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.



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4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that one previous case is pending against the second petitioner and no previous case is pending as against the other 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 Special Court for the Exclusive Trial of SC and ST Act Cases, Madurai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.38 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 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



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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.

With the above direction, this Criminal Original Petition stands allowed.

13.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. Special Court for the Exclusive Trial of SC and ST Act Cases,
Madurai
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Othakadai Sub-Division,
Madurai District.
- 3.State through the Inspector of Police,
Othakadai Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGOVA,N,J

tta

Order made in
CrI.O.P.(MD)No.4674 of 2023

Dated: 13.03.2023