



Crl.O.P.(MD)No.4382 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.4382 of 2023

Dhinakaran @ Thinakar ... Petitioner/Accused No.8

1.The Deputy Superintendent of Police,
Thiruvadanai Taluk,
Ramanathapuram District. ...1st Respondent / Nil

2. The State, represented by
The Inspector of Police,
Thiruvadanai 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, to direct the learned Special Court for the Executive Trial of SC and ST Cases, Ramanathapuram, to consider the petitioner's bail application on the date of their surrender in respect of crime No.30 of 2023 on the file of the respondent police.

For Petitioner : Mr. Atham Ali.S

For R1 & R2 : Mr.R.Sureshkumar
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Special Court for the Executive Trial of SC and ST Cases, Ramanathapuram, to consider the petitioner's bail application on the date of their surrender in respect of crime No.30 of 2023 on the file of the respondent police.

2. The petitioner is 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 06.02.2023, 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 petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.



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4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the injured has been discharged from the hospital and petitioner is not having any previous cases.

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 Executive Trial of SC and ST Cases, Ramanathapuram, to consider the petitioner's bail application, preferably on the same day of his 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 petitioner 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.



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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 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.

09.03.2023

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

1. The learned Special Court for the
Executive Trial of SC and ST Cases,
Ramanathapuram
2. The Deputy Superintendent of Police,
Thiruvadanai Taluk,
Ramanathapuram District.
3. The State, represented by
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J.

Indu

Order made in
CrI.O.P.(MD)No.4382 of 2023

Dated: 09.03.2023