



Crl.O.P.(MD)No.4425 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4425 of 2023

Chitra @ Jayachithra

... Petitioner/Sole Accused

Vs.

1.State, represented through the
The Deputy Superintendent of Police,
Sattur Sub Division, Sattur,
Virudhunagar District.

2. The Inspector of Police,
Alangulam Police Station,
Vembakottai Taluk,
Virudhunagar District.
(Crime No.23/2023).

...Respondents 1 and 2/Complainants

3. Nathiya

...3rd Respondent/ Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Learned Session Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases (PCR Court), Virudhunagar at Srivilliputhur to consider the bail application of the petitioner on the same day of surrender in Crime No.23 of 2023 on the file of the second respondent Police.



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Crl.O.P.(MD)No.4425 of 2023

For Petitioner : Mr. Karunanidhi.R

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

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Session Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases (PCR Court), Virudhunagar at Srivilliputhur to consider the bail application of the petitioner on the same day of surrender in Crime No.23 of 2023 on the file of the second respondent Police.

2. The petitioner is the accused for the offences punishable under Sections 294(b), 323, 506(ii) of IPC and Sections 3(l)(r), 3(l)(s) and 3(2) (va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.23 of 2023 dated 02.03.2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



CrI.O.P.(MD)No.4425 of 2023

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.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the 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 Session Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases (PCR Court), Virudhunagar at Srivilliputhur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.23 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



Cr.L.O.P.(MD)No.4425 of 2023

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.

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.

08.03.2023

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



CrI.O.P.(MD)No.4425 of 2023

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To

1. The Special Court for SC/ST (PoA) Act Cases,
(PCR Court), Virudhunagar at Srivilliputhur.
2. The Deputy Superintendent of Police,
Sattur Sub Division, Sattur,
Virudhunagar District.
3. The Inspector of Police,
Alangulam Police Station,
Vembakottai Taluk,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.4425 of 2023

G.ILANGOVAN,J.

Indu

Order made in
CrI.O.P.(MD)No.4425 of 2023

Dated: 08.03.2023