



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.4430 of 2023

WEB COPY

1. Ganapathy @ Diesel Pandi

2. Shanmugathai

... Petitioners/Accused Nos.1 &2

Vs.

1. The Superintendent of Police,
Tenkasi District.2. The Deputy Superintendent of Police,
Alangulam, Tenkasi District.3. The Inspector of Police,
Uthumalai Police Station,
Tenkasi Distirct.
Crime No.21/2023.

... Respondents/Complainants

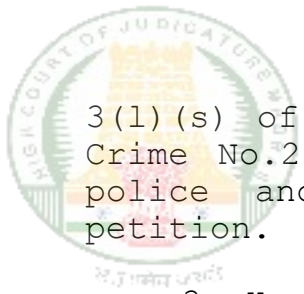
PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the II Additional District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989) Tirunelveli, to accept the surrender of the petitioners' accused No 1 and 2 and to consider their bail applications and grant bail on the date of surrender itself in crime No.21 of 2023 dated 08.02.2023 on the file of the respondent Police No.3.

For Petitioners : Mr. Chandrasubramaniyan.R

For R1 to R3 : 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 II Additional District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989) Tirunelveli, to accept the surrender of the petitioners' accused No 1 and 2 and to consider their bail applications and grant bail on the date of surrender itself in crime No.21 of 2023 dated 08.02.2023 on the file of the respondent Police No.3.

2. The petitioners are the accused for the offences punishable under Sections 294(b), (*) 353, 506(ii) IPC and sections 3(1)(r) and



3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, in Crime No.21 of 2023, pending on the file of the third 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 to 3 and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3 would submit that the petitioners are having previous cases, which are not similar in nature.

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 II Additional District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989) Tirunelveli, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.21 of 2023 on the file of the third 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 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.

Sd/-

Assistant Registrar (C.O)

(*)Corrected as per the order of this Court dated 21/04/2023 made in Crl.MP(MD) 6295 of 2023 in Crl.OP(MD) 4430 of 2023

Sd/-

Assistant Registrar (C.O)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)



To

(*) To be Substituted to the order already despatched on 30/03/2023

1. The learned II Additional District and Sessions Judge,
Special Court for SC and ST (PoA Act), 1989, Tirunelveli.

2. The Superintendent of Police,
Tenkasi District.

3. The Deputy Superintendent of Police,
Alangulam, Tenkasi District.

4. The Inspector of Police,
Uthumalai Police Station,
Tenkasi Distirct.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P. (MD) No. 4430 of 2023

Dated: 08.03.2023

VA/(28.03.2023) 3P 6C

RD(28/04/2023) 3P 6C