



Crl.O.P.(MD)No.4745 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4745 of 2023

Sivamani @ Siva

... Petitioner/Accused No.3

Vs.

1. The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

2. The Inspector of Police,
Sipcot Police Station,
Sivagangai District.
Crime No.12 of 2023.

...Respondents 1&2/Complainants

3. Manikandan

...3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Special court for Trial of cases registered under SC/ST (POA) Act, Sivagangai District to consider the bail application to be filed by the petitioners on the same day of its filing on their surrendering in connection with the case in Crime No.12 of 2023 on the file of the Inspector of Police, SIPCOT Police Station, Sivagangai District.

For Petitioner : Mr. Siva.L

For R1 & R2 : Mr.B.Nambiselvan
Additional Public Prosecutor



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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 Sessions Judge, Special court for Trial of cases registered under SC/ST (POA) Act, Sivagangai District to consider the bail application to be filed by the petitioners on the same day of its filing on their surrendering in connection with the case in Crime No.12 of 2023 on the file of the Inspector of Police, SIPCOT Police Station, Sivagangai District.

2. The petitioner is the accused for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) of IPC and Sections 3(l)(r), 3(l)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.12 of 2023 dated 13.02.2023, 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 petitioner is also involved in another case in Crime No.31 of 2023, which is 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 learned Special Court of Exclusive trial of SC/ST POA Act cases, Sivagangai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.12 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.

14.03.2023

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



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To

1. The learned Special Court of Exclusive trial of
SC/ST POA Act cases, Sivagangai.
2. The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.
3. The Inspector of Police,
Sipcot Police Station,
Sivagangai 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.4745 of 2023

Dated: 14.03.2023