



Crl.O.P.(MD)No.4937 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4937 of 2023

Harisankar

... Petitioner/Sole Accused

Vs.

1. The Deputy Superintendent of Police,
Pattukottai, Thanjavur District.

2. State, represented by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.

(Crime No.715 of 2022) ...Respondents No.1 & 2/Complainants

3. Saravanan ...3rd Respondent/ Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for SC/ST Act, Madurai, to accept the surrender of the petitioner and consider their bail application on the same day on merit relating to crime no.715 of 2022 dated 09.12.2022.

For Petitioner : Mr.Anantha Murugan S.M

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



Cr.L.O.P.(MD)No.4937 of 2023

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 SC/ST Act, Madurai, to accept the surrender of the petitioner and consider their bail application on the same day on merit relating to crime no.715 of 2022 dated 09.12.2022.

2. The petitioner is the accused for the offences punishable under Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.715 of 2022 dated 09.11.2022, 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.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioner is not having



CrI.O.P.(MD)No.4937 of 2023

any previous cases.

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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 SC/ST Act, Madurai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.715 of 2022 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.

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.

3/5



CrI.O.P.(MD)No.4937 of 2023

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

16.03.2023

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

To

1. The Special Court for SC/ST Act, Madurai.
2. The Deputy Superintendent of Police,
Pattukottai, Thanjavur District.
3. The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.4937 of 2023

G.ILANGOVAN,J.

Indu

Order made in
CrI.O.P.(MD)No.4937 of 2023

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