



CrI.O.P.(MD)No.5222 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.5222 of 2023

Manikandan @ Siva Manikandan

... Petitioner/Accused No.3

Vs.

1. The State, represented by
The Deputy Superintendent of Police,
Muthukulathur,
Ramanathapuram District.

...1st Respondent/Complainant

2. The State, represented by
The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
Crime No.49/2023.

...2nd Respondent/Complainant

3. Gunasekaran

...3rd Respondent/ Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for trial of cases under SC/ST Act Ramanathapuram, to consider the bail application of the petitioner in connection with the FIR in Crime No.49 of 2023 on the file of the second respondent police on the very same date of the surrender of the petitioner and consequently, to enlarge the petitioner on bail on the very same itself by disposing the petitioner's bail application.



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For Petitioner : Mr. Jeyakarthik M.S
For R1 & R2 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Special Court for trial of cases under SC/ST Act Ramanathapuram, to consider the bail application of the petitioner in connection with the FIR in Crime No.49 of 2023 on the file of the second respondent police on the very same date of the surrender of the petitioner and consequently, to enlarge the petitioner on bail on the very same itself by disposing the petitioner's bail application.

2. The petitioner is the accused for the offences punishable under Sections 147, 294(b), 323, 506(i) of IPC r/w. Sections 3(l)(r), 3(l)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.49 of 2023 dated 09.02.2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the petitioner is not having any previous cases and injured taking treatment as outpatient.

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 trial of cases under SC/ST Act Ramanathapuram, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.49 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



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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.

20.03.2023

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



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To

1. The Special Court for trial of cases
under SC/ST Act, Ramanathapuram.
2. The Deputy Superintendent of Police,
Muthukulathur,
Ramanathapuram District.
3. The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
CrI.O.P.(MD)No.5222 of 2023

Dated: 20.03.2023