



Crl.O.P.(MD)No.5355 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5355 of 2023

1.Karupaiyan

2.Lakshmi

3.Dinesh

... Petitioners / Accused No.1 to 3

Vs.

1.The Deputy Superintendent of Police,
Thanjavur Rural Sub-Division,
Thanjavur District.

2.The Inspector of Police,
Ammamet Police Station,
Thanjavur District.

Crime No. 248 of 2023

... Respondents 1 & 2/ Complainants

3.Nagalakshmi

... 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, Thanjavur 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.248 of 2023 on the file of the Inspector of Police,



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Ammapet Police Station, Thanjavur District.

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For Petitioners : Mr.R.L.Dhilipan Pandian

For Respondent : 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 Sessions Judge, Special Court for Trial of Cases registered under SC/ST (PoA) Act, Thanjavur 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.248 of 2023 on the file of the Inspector of Police, Ammapet Police Station, Thanjavur District.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 506(i) IPC and Sections 3(l)(r), 3(l)(s) and 3(2) (va) of SC/ST (Prevention of Atrocities) Act, 1989, in Crime No.248 of 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 petitioners, 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 petitioners are not having any previous cases and injured has been discharged from the hospital.

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 Sessions Judge, Special Court for Trial of Cases registered under SC/ST (PoA) Act, Thanjavur District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.248 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 petitioners shall surrender before the concerned jurisdictional Court, within a period of fifteen days, from the date of the



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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 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.

23.03.2023

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



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To

1. The learned Sessions Judge,
Special Court for Trial of Cases registered
under SC/ST (PoA) Act,
Thanjavur District.
2. The Deputy Superintendent of Police,
Thanjavur Rural Sub-Division,
Thanjavur District.
3. The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
Crime No. 248 of 2023
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
Crl.O.P.(MD)No.5355 of 2023

Dated: 23.03.2023