



CrI.O.P.(MD)No.5491 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.5491 of 2023

Mummoorthi

... Petitioners

Vs.

The Inspector of Police,
Sayalkudi Police Station,
Madurai.
(Crime No. 22/2023)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Learned Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram to consider the bail application of the Petitioner on the same day on his surrender in Crime No.22 of 2023 on the file of the respondent.

For Petitioner
For Respondent

: Mr.S. Srikanth
: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, 1989,



Crl.O.P.(MD)No.5491 of 2023

Ramanathapuram to consider the bail application of the Petitioner on the same day on his surrender in Crime No.22 of 2023 on the file of the respondent.

2. The petitioner is an accused for the offences punishable under Sections 147, 294(b), 323 of IPC and Section 3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989, in Crime No.22 of 2023, pending on the file of the respondent police and apprehending arrest, he has filed the present petition.

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

4. The learned Additional Public Prosecutor appearing for the respondent would submit that one previous case is pending against this petitioner.

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



Cr.L.O.P.(MD)No.5491 of 2023

Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.22 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.

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.

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

24.03.2023

Index : Yes/No
Internet: Yes/No
tta



Crl.O.P.(MD)No.5491 of 2023

To
WEB COPY

1.Learned Sessions Judge, Special Court for Trial of cases registered under
SC/ST (POA) Act, 1989, Ramanathapuram.

2.The Inspector of Police,
Sayalkudi Police Station,
Madurai.
(Crime No. 22/2023)

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



WEB COPY



Crl.O.P.(MD)No.5491 of 2023

G.ILANGO VAN, J.,

tta

Crl.O.P.(MD)No.5491 of 2023

24.03.2023