



Crl.O.P.(MD)No.6567 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.6567 of 2023

Ponnusamy

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi District.

2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

3.Baskar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for SC/ST (POA) Act Cases, Thoothukudi to consider the petitioner's bail application on the same date of his surrender in Crime No.44 of 2023 pending on the file of the second respondent.

For Petitioner
For R1 & R2

: Mr.V.Angusamy
: 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 Special Court for SC/ST (POA) Act Cases, Thoothukudi, to consider the petitioner's bail application on the same date of his surrender in Crime No.44 of 2023 pending on the file of the second respondent.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 324, 341, 506(ii) of IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Castes & The Scheduled Tribes (Prevention of Atrocities) Amended Act, 2015, in Crime No.44 of 2023, pending on the file of the second 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 respondents 1 and 2 and perused the materials available on record.



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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 also submitted that the 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 Special Court for SC/ST (POA) Act Cases, Thoothukudi, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.44 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.

11.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. learned Special Court for SC/ST (POA) Act Cases, Thoothukudi.
2. The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi District.
3. The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

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Order made in
CrI.O.P.(MD)No.6567 of 2023

Dated: 28.03.2023