



CrI.O.P.(MD)No.8131 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.8131 of 2023

1.Kannan

2.Asar @ Azharudeen

3.Sathiyaraj

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
DSP Office,
Pudukkottai District.

2.State represented by
The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.

3.Saravanan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to accept the surrender of the petitioners before the Special Court for SC/ST (Prevention of Atrocities) Act, (i.e) The Special Additional District and Sessions Judge at Pudukkottai, in connection with the Crime No.105 of 2023 on the file of the second respondent police and to consider the bail application filed by the petitioner same day.

For Petitioner
For R1 and R2

: Mr.M.Rajarajan
: Mr.R.Suresh Kumuar
Government Advocate(CrI.Side)



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to accept the surrender of the petitioners before the Special Court for SC/ST (Prevention of Atrocities) Act, (i.e) The Special Additional District and Sessions Judge at Pudukkottai, in connection with the Crime No.105 of 2023 on the file of the second respondent police and to consider the bail application filed by the petitioner same day.

2. The petitioners are the accused for the offences punishable under Sections 147, 148, 341, 294(b), 324, 323 and 506(2) and Sections 3(1)(r), 3(1)(s), 3(2)(Va) of Prevention of Atrocities against Scheduled Caste and Scheduled Tribes Act 2015, in Crime No.105 of 2023, 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 petitioners, the learned Government Advocate (CrI.Side) appearing for the respondents 1 and 2 and perused the materials available on record.



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4. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 submitted that some previous cases are pending against the petitioners 1 and 2 and the same were ended in acquittal.

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 Special Court for SC/ST (Prevention of Atrocities) Act, (i.e) The Special Additional District and Sessions Judge at Pudukkottai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.105 of 2-023 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 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 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.



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

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Index : Yes/No
Internet: Yes/No
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To

1.Special Court for SC/ST (Prevention of Atrocities) Act, (i.e) The Special Additional District and Sessions Judge at Pudukkottai.

2.The Deputy Superintendent of Police,
DSP Office,
Pudukkottai District.

3.State represented by
The Inspector of Police,
Keeranur Police Station,
Pudukkottai 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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