



Crl.O.P.(MD) No.8689 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.05.2023

CORAM

THE HONOURABLE MR. JUSTICE R. KALAIMATHI

CRL.O.P (MD) No.8689 of 2023

1.Manojpandiyan
2.Saroja

... Petitioners

Vs

1.The Deputy Superintendent of Police,
Utthamapalayam Sub Division,
Theni District.

2.The Inspector of Police,
Rayappanpatti police station,
Theni District.
(Crime No.140 of 2023)

3.Murugan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Principal and District Sessions Judge and Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended) 2015, Theni to accept the surrender of the petitioners and consider their bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.140 of 2023 registered on 06.05.2023 on the file of the second respondent Police.

For Petitioners : Mr.C.Jeganathan



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For Respondents : Mr.M.Vaikkam Karunanithi
No.1 and 2 Government Advocate (Crl.side)

ORDER

This petition is filed for a direction to direct the learned Principal and District Sessions Judge and Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended) 2015, Theni to accept the surrender of the petitioners and consider their bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.140 of 2023 registered on 06.05.2023 on the file of the second respondent Police.

2. The learned counsel appearing for the petitioners would submit that the second petitioner died and he seeks permission of this Court to withdraw the petition in respect of second petitioner alone.

3. 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



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learned Principal and District Sessions Judge and Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended) 2015, Theni, to consider the first petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 140 of 2023 on the file of the 2nd respondent and pass appropriate orders in accordance with law after affording due opportunity to the victim under Section 15(A), (3) and (5) of the SC/ST Act. The first 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.

4. 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 favourably.

5. As regards the second petitioner, the petition stands dismissed as withdrawn.



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6. With the above direction, the Criminal Original Petition stands disposed of.

11.05.2023

NCC : Yes / No

Internet: Yes./No

Index: Yes/no

Note: Issue order copy on 12.05.2023

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To

- 1.The Principal and District Sessions Judge,
Special Court for Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, Theni.
- 2.The Deputy Superintendent of Police,
Utthamapalayam Sub Division,
Theni District.
- 3.The Inspector of Police,
Rayappanpatti police station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R. KALAIMATHI, J.
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Order made in
CRL.O.P (MD) No.8689 of 2023

11.05.2023