



Crl.O.P.(MD) No.8739 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.05.2023

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THE HONOURABLE MR. JUSTICE R. KALAIMATHI

CRL.O.P (MD) No.8739 of 2023

Humaira Ramees Fathima

... Petitioner

Vs

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

2.The Inspector of Police,
Kulasekarapattinam police station,
Thoothukudi District.
(Crime No.45 of 2023)

3.Thangammal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Special Court for Trial of Cases under SC/ST(POA) Act, Thoothukudi District, to consider and dispose of the bail application to be filed by the petitioner on the same day of its filing on her surrender in connection with the case in Crime No.45 of 2023 on the file of the Inspector of Police, Kulasekarapattinam police station, Thoothukudi District.

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



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ORDER

This petition is filed for a direction to direct the Special Court for Trial of Cases under SC/ST(POA) Act, Thoothukudi District, to consider and dispose of the bail application to be filed by the petitioner on the same day of its filing on her surrender in connection with the case in Crime No.45 of 2023 on the file of the Inspector of Police, Kulasekarapattinam police station, Thoothukudi District.

2. 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 Judge for Trial of Cases under SC/ST(POA) Act, Thoothukudi District, to consider the petitioner's bail application, preferably on the same day of her surrender in connection with Crime No. 45 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 294(b), 186 of IPC and Sections 15(A)(3)&(5) of SC/ST (POA) Amendment Act,



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2015. 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.

3. 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.

4. 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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R. KALAIMATHI, J.

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To

1. The Special Judge for Trial of Cases under SC/ST(POA) Act,
Thoothukudi District.

2. The Deputy Superintendent of Police, Tiruchendur,
Thoothukudi District.

3. The Inspector of Police, Kulasekarapattinam police station,
Thoothukudi District. (Crime No.45 of 2023)

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

Order made in
CRL.O.P (MD) No.8739 of 2023

11.05.2023