



Crl.O.P.(MD)No.8718 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.8718 of 2023

Masanam

... Petitioner

Vs

The State represented by its:-

- 1.The Deputy Superintendent of Police,
Mudhukulathoor Sub Division,
Ramanathapuram District.
- 2.The Inspector of Police,
Elanjambur Police Station,
Ramanathapuram District.
(Crime No.20 of 2023)

3.Sakthivel

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act Casts, Ramanathapuram to consider the bail application on his surrender on the same day, if any petition filed by the petitioner in Crime No.20 of 2023 dated 19.04.2023 on the file of the second respondent.

1/4



Crl.O.P.(MD)No.8718 of 2023

For Petitioners : Mr.S.Sivaprakash
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 Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act Casts, Ramanathapuram to consider the bail application on his surrender on the same day, if any petition filed by the petitioner in Crime No.20 of 2023 dated 19.04.2023 on the file of the second respondent.

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 Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act Casts, Ramanathapuram, to consider the petitioner's bail application, preferably on the same day of her surrender in connection with Crime No. 20 of 2023 on the file of the 2nd respondent and pass appropriate orders in accordance with law after affording due



Crl.O.P.(MD)No.8718 of 2023

opportunity to the victim under Sections 15(A), (3) and (5) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Amendment) Act, 1989. 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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3/4



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Crl.O.P.(MD)No.8718 of 2023

R. KALAIMATHI, J.

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To

1. The Sessions Judge,
Special Court for Scheduled Castes and
Scheduled Tribes Prevention of Atrocities Act Casts,
Ramanathapuram.

2. The Deputy Superintendent of Police, Mudhukulathoor Sub Division,
Ramanathapuram District.

3. The Inspector of Police, Elanjambur Police Station,
Ramanathapuram District.

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

Order made in
CRL.O.P (MD) No.8718 of 2023

11.05.2023