



Crl.O.P.(MD) No.8741 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.05.2023

CORAM

THE HONOURABLE MR. JUSTICE R. KALAIMATHI

CRL.O.P (MD) No.8741 of 2023

Mukesh

... Petitioner

Vs

1.The State represented by its
The Deputy Superintendent of Police,
Samayanallur,
Madurai District.

2.The State represented by its
The Inspector of Police,
Alanganallur police station,
Madurai District.
(Crime No.184 of 2023)

3.Nagendran

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai to consider the bail application of the petitioner in connection with the FIR in Crime No.184 of 2023 on the file of the second respondent police on the very same date of surrender of the petitioner and consequently enlarge the petitioner on bail on the very same day itself by disposing the petitioner's bail application.

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For Petitioner : Mr.R.Tamil Amuthan
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 Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai to consider the bail application of the petitioner in connection with the FIR in Crime No.184 of 2023 on the file of the second respondent police on the very same date of surrender of the petitioner and consequently enlarge the petitioner on bail on the very same day itself by disposing the petitioner's bail application.

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 Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai, to consider the petitioner's bail application, preferably on the same day of her surrender in connection with Crime No. 184 of 2023 on the file of the 2nd respondent and pass appropriate orders in accordance with



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law after affording due opportunity to the victim under Section 15(A)(3) & (5) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 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 Court for Exclusive Trial of Cases
under SC/ST (POA) Act, 1989, Madurai.
2. The Deputy Superintendent of Police, Samayanallur,
Madurai District.
3. The Inspector of Police, Alanganallur police station,
Madurai District.
(Crime No.184 of 2023)
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
CRL.O.P (MD) No.8741 of 2023

11.05.2023