

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.05.2023**

CORAM:

THE HONOURABLE **MRS. JUSTICE T.V.THAMILSELVI**

Crl.O.P.(MD) No.8768 of 2023

Moorthy

...Petitioner / ***Accused No.1**

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Papanasam Sub Division, Thanjavur District.

2.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.

(Crime No.444 of 2023). ... Respondents 1 & 2 / Complainant

3.Chandrasekaran ... 3rd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to accept the surrender of the Petitioner before the Special Court for SC/ST(POA)Act i.e., the I Additional District and Sessions Judge, Thanjavur in connection with the Cr.No.444 of 2023 on the file of the 2nd Respondent Police and to consider the bail application filed by the petitioner on the same day.

For Petitioner : Mr.K.M.Karunakran
For Respondents : Mr.A.Albert James (R1 & R2)
Government Advocate

ORDER

This petition has been filed seeking for a direction to the Special Court for SC/ST(POA)Act i.e., the I Additional District and Sessions Judge, Thanjavur, to accept the surrender of the petitioner in connection with Cr.No.444 of 2023 on the file of the 2nd respondent police and to consider the bail application filed by the petitioner on the same day.

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 Special Court for SC/ST (POA)Act i.e., the I Additional District and Sessions Judge, Thanjavur, to consider the petitioner's bail application, preferably

on the same day of his surrender in connection with Crime No.444 of 2023 on the file of the second respondent and pass appropriate orders in accordance with law after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. 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.

Sd/-

Vacation Officer

**(*)Corrected as per the order of the Court dated 08/06/2023
made in Crl Op.(MD) 8768/2023**

Sd/-

Assistant Registrar(AS)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

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**(*)To be Substituted in the orders already despatched
on 23.05.2023.**

To

1. The Special Court for SC/ST(POA)Act
i.e., I Additional District and Sessions Judge, Thanjavur,
2. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Papanasam Sub Division, Thanjavur District.
3. The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-25455[F] dated
18/05/2023)

CrI.O.P.(MD) No.8768 of 2023
17.05.2023

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MK/19.05.2023 3P 6C
DL/(03.07.2023)/ 3P/ 6C