



CrI.O.P.(MD)No.9270 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.05.2023

CORAM:

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

CrI.O.P.(MD)No.9270 of 2023

1.Ilangovan

2.Vairasilai

... Petitioners

Vs.

1.The State rep by  
The Deputy Superintendent of Police,  
Andipatti Division,  
Theni District.

2.The State rep.by  
The Inspector of Police,  
All Women Police Station,  
Theni District.  
(Crime No.7 of 2023)

3.Vijayalakshmi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.  
praying to direct the learned Special Court for SC/ST (POA) Act cases,  
Theni to dispose the bail application of the petitioners on merits on the



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same day of their surrender before the above mentioned Court in pending investigation of Cr.No.7 of 2023 on the file of the first respondent.

For Petitioners : Mr.A.Prabu  
For R1 & R2 : Mr.A.Albert James,  
Government Advocate(Crl.side)

### **ORDER**

This petition has been filed seeking for a direction to the Special Court for SC/ST (POA) Act cases, Theni, to consider and dispose of the petitioners' bail application on the same day of their surrender in respect of Crime No.7 of 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 Special Court for SC/ST (POA) Act cases, Theni, to consider the petitioners' bail application, preferably on the same day of



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their surrender in connection with Crime No.7 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 petitioners 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 petitioners and pass orders. Mere direction issued by this Court to consider the bail petition on the same day does not amount to consider it favorably.

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

**18.05.2023**

NCC:Yes/No

Index:Yes/No

Speaking / Non speaking order

*gns*

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**T.V.THAMILSELVI, J.**

*gns*

To

- 1.The Special Court for SC/ST (POA) Act cases, Theni
- 2.The Deputy Superintendent of Police,  
Andipatti Division,  
Theni District.
- 3.The Inspector of Police,  
All Women Police Station,  
Theni District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court.

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