



Crl.O.P.(MD) No.8853 of 2023

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.8853 of 2023

1.Viji @ Vijaykumar

2.Pandiyammal @ Karpagam

...Petitioners

Vs.

1.The Deputy Superintendent Of Police,
Paramakudi, Ramanathapuram District.

2.The Inspector of Police,
Emaneswaran Police Station,
Ramanathapuram District. (Crime No.73 of 2023)

3.Palaniyammal

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act 1989, Ramanathapuram to consider the bail application of the petitioners in connection with the FIR in Crime No.73 of 2023 on the file of the 2nd respondent police.



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For Petitioners : Mr.R.Tamil Amuthan
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 Exclusive Trial of Cases under SC/ST(POA) Act 1989, Ramanathapuram to consider the bail applications of the petitioners in connection with the FIR in Crime No.73 of 2023 on the file of the 2nd respondent police.

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 Exclusive Trial of Cases under SC/ST(POA) Act 1989, Ramanathapuram to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.73 of 2023 on the file of the second respondent police



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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 favourably.

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

17.05.2023

NCC:Yes/No
Index:Yes/No
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T.V.THAMILSELVI, J.

Sm

To

- 1.The Special Court for Exclusive Trial of Cases
under SC/ST(POA) Act 1989, Ramanathapuram.
- 2.The Deputy Superintendent Of Police,
Paramakudi, Ramanathapuram District.
- 2.The Inspector of Police,
Emaneswaran Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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