



CrI.O.P.(MD)No.9505 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2023

CORAM:

THE HON'BLE MR JUSTICE P.VADAMALAI

CrI.O.P.(MD)No.9505 of 2023

1.Gokulakrishnan

2.Karhi

3.Prathish

...Petitioners

Vs.

1.The State Rep.by
The Deputy Superintendent Of Police,
Thiruvidaimaruthur Sub-division,
Thanjavur District.

2.The State Rep.by
The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.
(Crime No.310 of 2023)

3.Manjula

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to direct the Special Court for SC/ST Act cases(PCR Court),
Thanjavur to consider the bail application of the petitioners/A1, A4 & A5

1/4



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on the same day of surrender in Crime No.310 of 2023 on the file of the second respondent police station.

For Petitioners : Mr.K.Suyambulinga Bharathi
For R1 & R2 : Mr.K.Sanjai Gandhi,
Government Advocate(Crl.side)

ORDER

This petition has been filed seeking for a direction to the Special Court for SC/ST Act cases(PCR Court), Thanjavur to consider the bail application of the petitioners/A1, A4 & A5 on the same day of surrender in Crime No.310 of 2023 on the file of the second respondent police station.

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 Act cases(PCR Court), Thanjavur, to consider the petitioners' bail application, preferably on the



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same day of their surrender in connection with Crime No.310 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 allowed.

25.05.2023

NCC:Yes/No

Index:Yes/No

Speaking / Non speaking order

gns

3/4



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P.VADAMALAI, J.

gns

To

- 1.TheSpecial Court for SC/ST Act cases(PCR Court), Thanjavur,
- 2.The Deputy Superintendent Of Police,
Thiruvidaimaruthur Sub-division,
Thanjavur District.
- 3.The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

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