



CrI.O.P.(MD)No.9431 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.9431 of 2023

1.Ponnuthai
2.Kotteswari

...Petitioners

Vs.

1.The Deputy Superintendent Of Police,
O/o. Deputy Superintendent Office,
Rameswaram, Ramanathapuram District.

2.The Sub-Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
(Crime No.78 of 2023)

3.Priya

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the District and Sessions Judge Special Court for trial of cases registered under SC/ST (POA) Act, 1989 Ramanathapuram, Ramanathapuram District to accept the surrender of the petitioners and consider petitioners' bail application and grant bail on the date of surrender itself, in Crime No.78 of 2023 on the file of the second respondent.

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

ORDER

This petition has been filed seeking for a direction to the District and Sessions Judge Special Court for trial of cases registered under SC/ST (POA) Act, 1989 Ramanathapuram, Ramanathapuram District to accept the surrender of the petitioners and consider petitioners' bail application and grant bail on the date of surrender itself, in Crime No.78 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 District and Sessions Judge Special Court for trial of cases registered under SC/ST (POA) Act, 1989 Ramanathapuram, Ramanathapuram District, to consider the petitioners' bail application,



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preferably on the same day of their surrender in connection with Crime No.78 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

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P.VADAMALAI, J.

gns

To

- 1.The District and Sessions Judge Special Court for trial of cases registered under SC/ST (POA) Act, 1989 Ramanathapuram, Ramanathapuram District
- 2.The Deputy Superintendent Of Police,
O/o. Deputy Superintendent Office,
Rameswaram, Ramanathapuram District.
- 3.The Sub-Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

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