



Crl.O.P.(MD)No.9972 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.9972 of 2023

1.L.Duraisamy

2.P.Arunkumar

3.M.Vignesh

4.V.Manivel

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Office of Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

3.M.Karthick

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Special Court for the Exclusive Trial of SC and ST Cases, Srivilliputhur, Virudhunagar, to consider the bail application of the petitioner's on the same day on their surrender in connection with Crime No.113 of 2023 on the file of the second respondent police pending investigation on the file of the respondent police.



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Crl.O.P.(MD)No.9972 of 2023

For Petitioner	: Mr.P.Subathra Devi
	Polax Legal Solutions
For R1 and R2	: Mr.B.Nambiselvan
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking directions to the Special Court for the Exclusive Trial of SC and ST Cases, Srivilliputhur, Virudhunagar, to consider the bail application of the petitioner's on the same day on their surrender in connection with Crime No.113 of 2023 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 323 and 506(i) and Sections 4 of TNPHW Act, 2002 r/w 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.113 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.



Crl.O.P.(MD)No.9972 of 2023

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the petitioners 2 and 3 are not having any previous cases and the petitioners 1 and 4 are having one previous case. He further submitted that no one sustained injury in the said occurrence.

5. 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 the Exclusive Trial of SC and ST Cases, Srivilliputhur, Virudhunagar, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.113 of 2023 on the file of the second respondent police and pass appropriate orders, in accordance with law, after affording due opportunity to the victim under Section 15A(3) 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.

6. 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.



Crl.O.P.(MD)No.9972 of 2023

WEB COPY

7. With the above direction, this Criminal Original Petition stands allowed.

08.06.2023

Index : Yes/No
Internet: Yes/No
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To

1. The Special Court for the Exclusive Trial of SC and ST Cases,
Srivilliputhur, Virudhunagar.

2. The Deputy Superintendent of Police,
Office of Superintendent of Police,
Virudhunagar District.

3. The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

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



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Crl.O.P.(MD)No.9972 of 2023

G.ILANGO VAN, J.,

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Crl.O.P.(MD)No.9972 of 2023

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