



Crl.O.P.(MD)No.9975 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.06.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.9975 of 2023

Gobinath

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Dindigul Sub Division,
Dindigul.

2.The Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.

3.Karuppaiya

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Special Court for Exclusive Trial of SC/ST Cases, Dindigul District to consider the bail application for the petitioner on the same day in the event of surrender by the petitioner and seek bail in Crime No.268 of 2023.



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Crl.O.P.(MD)No.9975 of 2023

For Petitioner : Mr.S.Arjun
For R1 & R2 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking direction to the learned Sessions Judge, Special Court for Exclusive Trial of SC/ST Cases, Dindigul District to consider the bail application for the petitioner on the same day of his surrender in Crime No.268 of 2023.

2. The petitioner is an accused for the offences punishable under Sections 147, 294(b), 323, 506(i) of IPC and r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes & the Scheduled Tribes Act, in Crime No.268 of 2023, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

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



Crl.O.P.(MD)No.9975 of 2023

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the petitioner is having two previous cases, which are not similar in nature.

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 learned Sessions Judge, Special Court for Exclusive Trial of SC/ST Cases, Dindigul District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.268 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 petitioner 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.



Crl.O.P.(MD)No.9975 of 2023

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 petitioner 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.

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

08.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of SC/ST Cases,
Dindigul District.
- 2.The Deputy Superintendent of Police,
Dindigul Sub Division,
Dindigul.
- 3.The Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.9975 of 2023

G.ILANGO VAN,J

tta

Order made in

CrI.O.P.(MD)No.9975 of 2023

Dated: 08.06.2023