



Crl.O.P.(MD)No.14296 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.14296 of 2023

1.Mookan
2.Sudalai

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Srivaikundam Division,
Thoothukudi District.

2.The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.

3.Mundasamy

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Special Court for trial under Section SC/ST (POA) Amendment Act Cases, Thoothukudi to accept the surrender of the petitioners and consider their bail application on the same day in Crime No. 104 of 2023 dated 04.07.2023 on the file of the second respondent police.

For Petitioner
For R1 and R2

: Mr.V.M.Jegadeesha Pandian
: Mr.B.Thanga Aravindh
Government Advocate(Crl. Side)



Crl.O.P.(MD)No.14296 of 2023

ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the Special Court for trial under Section SC/ST (POA) Amendment Act Cases, Thoothukudi to accept the surrender of the petitioners and consider their bail application on the same day in Crime No.104 of 2023 dated 04.07.2023 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 147, 148, 341, 294(b), 324, 323, 307, 506(ii) of IPC and Sections 3(1)(r) (s), 3(2)(Va) of SC/ST (Prevention of Atrocities Amendment) Act, 2015 in Crime No.104 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 Government Advocate (Crl.Side) appearing for the respondents 1 and 2 and perused the materials available on record.

4. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 would submit that the petitioners are not having any previous cases and the injured has been discharged from the hospital. He further submitted that it is case in counter case.

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



Crl.O.P.(MD)No.14296 of 2023

Parliament against innocent persons, there shall be a direction to the Special Court for trial under Section SC/ST (POA) Amendment Act Cases, Thoothukudi, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.104 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.

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

04.08.2023

Index : Yes/No
Internet: Yes/No
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Crl.O.P.(MD)No.14296 of 2023

To

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- 1.The Deputy Superintendent of Police,
Srivaikundam Division,
Thoothukudi District.
- 2.The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.14296 of 2023

G.ILANGO VAN, J.,

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Crl.O.P.(MD)No.14296 of 2023

04.08.2023