



Crl.O.P.(MD)No.22262 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22262 of 2022

Varuneshwaran,

: Petitioner

Vs

1. The Deputy Superintendent Of Police,
O/o. the Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

2. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District
(Crime No. 198 of 2021).

3. Mohan,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Principal Sessions Judge, Special Court for Exclusive Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Ramanathapuram to accept the surrender of the petitioner and consider the petitioner's bail application and grant bail on the same date of surrender itself in Crime



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No.198 of 2022, dated 08.12.2022, on the file of the second respondent police.

For Petitioner : Mr.D.Senthil
For R1 & R2 : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Principal Sessions Judge, Special Court for Exclusive Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Ramanathapuram to accept the surrender of the petitioner and consider the petitioner's bail application and grant bail on the same date of surrender itself in Crime No.198 of 2022, dated 08.12.2022, on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 323 and 324 IPC r/w Sections 3(l)(r) and 3(l)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.198 of 2022, pending on the file of



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the second respondent police and apprehending arrest, the petitioner has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 and perused the materials available on record.

4. 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 Principal Sessions Judge, Special Court for Exclusive Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Ramanathapuram to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.198 of 2022 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 15(a) of the SC/ST Act. The petitioner shall surrender before the concerned



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jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

5. 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.

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

31.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
lr



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To

1.The Principal Sessions Judge,
Special Court for Exclusive Trial of
Cases under Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act 1989,
Ramanathapuram.

2. The Deputy Superintendent Of Police,
O/o. the Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

3. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District

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



WEB COPY



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K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.22262 of 2022

Dated: 31.01.2023