



Crl.O.P.(MD)No.23192 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **03.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1.Kannan

2.Adaikalam

3.Bharathipandiyan @ Pandi

4.Nithees Kumar @ Nithish

5.Sankar Kumar @ Sankar

6.Anis Kumar @ Anish

7.Thinagaran @ Dinakaran

8.Ponnusamy

... Petitioners

Vs.

1.The State represented by its
The Deputy Superintendent of Police,
Sivagangai Sub-Division,
Sivagangai District.

2.The State represented by its
The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.



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3.Alexpandiyan

4.Aravinth

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Ramanathapuram to consider the bail application of the petitioners in connection with the FIR in Crime No.348 of 2022 on the file of the second respondent police on the very same date of the surrender of the petitioners and consequently, to enlarge the petitioners on bail on the very same itself by disposing the petitioners' bail application.

For Petitioners : Mr.M.S.Jeyakarthik

For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Ramanathapuram to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.348 of 2022 on the file of the second respondent.



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2. The petitioners are the accused for the offences punishable under Sections 143, 147, 341, 294(b), 323, 427 and 506(1) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(iii) of the SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.348 of 2022, pending on the file of the second respondent and apprehending arrest, they have filed the present petition.

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

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the first petitioner is having two previous cases, in which, one case for the offence under Section 392 IPC and the other case for the offence under Section 506(2) IPC. He would further submit that the accused had caused damages to the windows.

5. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and



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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 Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Ramanathapuram, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.348 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 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. At the time of passing orders, the learned Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Ramanathapuram, is directed to take note of the damages caused by the petitioners and also the previous cases of the first petitioner.

7. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous



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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.

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

03.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Special Court for Exclusive Trial of Cases
under SC/ST (POA) Act, 1989, Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Sivagangai Sub-Division,
Sivagangai District.
- 3.The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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Dated: 03.01.2023