



Crl.O.P.No.11961 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.11961 of 2024

1.Tamizhselvam @ Rohith

2.Jai @ Jayaprakash

3.Karmegam

...Petitioners/Accused Nos.7 to 9

Vs.

1.State represented by,
The Deputy Superintendent of Police,
Vellore,
Vellore District.

2.The Inspector of Police,
Sathuvacheri Police Station,
Vellore District.

Crime No.166 of 2024

...Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to direct the learned Sessions Judge Special Court for SC/ST Cases, Vellore to consider the bail petition preferred by the petitioners upon their surrender in Crime No.166 of 2024 on the file of the first respondent police on the same day.



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For Petitioners : Mr.G.Vinodh Kumar
For respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/Accused Nos.7 to 9 on 13.04.2024 under Section 482 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to direct the learned Sessions Judge Special Court for SC/ST Cases, Vellore to consider the bail petition preferred by the petitioners upon their surrender in Crime No.166 of 2024 on the file of the first respondent police on the same day for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act, 2002, r/w Section 3(1) of Prevention of Damage to Public Property Act, 1984 r/w Section 3(1), 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST Prevention of Atrocities Act, 1989.

2.The case of the prosecution is that on 07.05.2024 at about 1.00 a.m., the *defacto* complainant along with her friends went to the temple festival. While so, the petitioners herein abused her by calling her caste



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name and threatened them to leave the temple. When the relatives and neighbours of the *defacto* complainant got to know about the said act of the petitioners, questioned them. As a result, a wordy quarrel arose between the two groups and the petitioners assaulted the *defacto* complainant and others. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely roped in this case. Accordingly, he prayed to allow this Criminal Original Petition.

4.The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the investigation is going on. Accordingly, he prayed to dismiss this petition.

5.In view of the amendments made in SC and ST (POA) Act, 1989, this Court is of the view that the directions that would usually be issued by this Court cannot be issued routinely in all cases. Considering the facts and circumstances of the case, this Court is inclined to pass the



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following orders:

(i) The petitioners shall surrender before the learned Sessions Judge Special Court for SC/ST Cases, Vellore, within a period of fifteen (15) days from today; and

(ii) On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the petitioners and pass orders on merits on the same day of their surrender, after hearing the defacto complainant in compliance with Section 15A(3) of the SC and ST (POA) Act, 1989.

6. Accordingly, this Criminal Original Petition is allowed with directions stated supra.

15.05.2024

Anu

Note:

1. Registry is directed to forthwith upload this order in the official website of this Court.

2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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To

1.The Deputy Superintendent of Police,
Vellore,
Vellore District.

2.The Inspector of Police,
Sathuvacheri Police Station,
Vellore District.

3.The Sessions Judge Special Court for SC/ST Cases, Vellore

4.The Public Prosecutor,
High Court of Madras



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R.SAKTHIVEL, J.
Anu

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15.05.2024