



Crl.O.P.No.27702 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.27702 of 2024

Jayaprakash

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Katpadi, Vellore District.

2. The State rep.by its
The Inspector of Police,
All Women Police Station,
Katpadi, Vellore District,
Crime No.12 of 2024.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C, pleased to direct the learned Sessions Judge, Special Court for Exclusive trial of Cases registered under SC/ST (POA) Act Cases, Vellore District to consider the petitioners bail application on the same day in the event of his surrender in Crime No.12 of 2024 dated 05.08.2024 on the file of the respondent police.

For Petitioner : Mr.R.Raji

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor



CrI.O.P.No.27702 of 2024

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ORDER

This Criminal Original Petition is filed to direct the learned Sessions Judge, Special Court for Exclusive trial of Cases registered under SC/ST (POA) Act Cases, Vellore District to consider the petitioner's bail application on the same day, in the event of his surrender, in Crime No.12 of 2024 dated 05.08.2024 on the file of the respondents/Police.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and also perused the materials available on record.

3. It is to be noted that Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short “SC/ST Act”), is bar to file a petition under Section 438 Cr.P.C. Therefore Anticipatory Bail is not maintainable for the offence under the SC/ST Act. Further Section 15A under Chapter IV-A was introduced by Act 1 of 2016 w.e.f. 26.01.2016, as per which, notice has to be sent to the



CrI.O.P.No.27702 of 2024

victim, in respect of any proceedings and without giving notice no proceedings shall be proceeded further. Further, the enormous power under Section 482 Cr.P.C. should not be invoked automatically and the jurisdiction under Section 482 Cr.P.C. should be exercised sparingly. When there is specific bar under the Special Act, this Court cannot ignore the intention of the Legislators and the purpose of enactment of the Special Act. If the petitioner is granted bail, the purpose of Section 15A(3)(5) of SC/ST Act would be defeated and the same would curtail the right of the victim.

4. Under such circumstances, this Court is not inclined to invoke Section 482 Cr.P.C., which would amount to ignorance of the provisions of the Special Act. Therefore, this petition shall stand dismissed.

05.11.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
ms/cgi

To

1. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Katpadi, Vellore District.
2. The Inspector of Police,



Crl.O.P.No.27702 of 2024

All Women Police Station, Katpadi, Vellore District,
3. The Public Prosecutor, High Court, Madras.

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P.VELMURUGAN, J

ms

Crl.O.P.No.27702 of 2024

05.11.2024