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CrI.O.P.No.31086 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.31086 of 2024

1.Lokesh
2.Bharath

... Petitioners

Vs.

1.The State Rep. by
The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Thiruthani, Tiruvallur District.

2.The State Rep. by
Inspector of Police,
Thiruvallangadu Police Station,
Tiruvallur District.

3.Mano

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, to direct the learned Principal District and Sessions Judge, Tiruvallur to accept the surrender of the petitioners and to consider the petitioners' bail application and grant bail on the date of surrender itself in Crime No.592 of 2024, pending investigation on the file of the second respondent.

For Petitioners : Mr.P.Thinesh

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1 and R2



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ORDER

This Criminal Original Petition is filed to direct the learned Principal District Sessions Judge, Tiruvallur to accept the bail application of the petitioners on the same day of their surrender pertaining to Crime No.592 of 2024 on the file of the second respondent-Police.

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

3. It is to be noted that as per Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "SC/ST Act"), there is a bar to file a petition under Section 482 Cr.P.C./528 of B.N.S.S. 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 victim, in respect of any proceedings and without giving notice, no proceedings shall be proceeded further. Further, the inherent power under Section 482 Cr.P.C./528 of B.N.S.S. should not be invoked automatically and the jurisdiction under Section 482 Cr.P.C./528 of B.N.S.S. should be exercised sparingly. When there is a specific bar under the Special Act, this Court



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To

- 1.The Deputy Superintendent of Police,
Thiruthani, Tiruvallur District.
- 2.The Inspector of Police,
Thiruvallangadu Police Station,
Tiruvallur District.
- 3.The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

r n s

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