



CrI.O.P.(MD)No.7083 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.05.2024**

CORAM

THE HONOURABLE MR. JUSTICE **P.VADAMALAI**

CrI.O.P.(MD)No.7083 of 2024

1.Esakiraja @ Muthu
2.Mari @ Mariselvam

...Petitioners

Vs.

1.The Deputy Superintendent of Police,
Srivaikundam Sub Division,
Thoothukudi District.

2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

3.Govintharaj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, Thoothukudi District to consider the bail application to be filed by the petitioners on the same day of its filing on their surrendering in connection with the case in Cr.No.69 of 2024 on the file of the Inspector of Police, Srivaikundam Police Station, Thoothukudi District.



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For Petitioners : Mr.M.Pandian
For R1 and R2 : Mr.R.Suresh Kumar
Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking for a direction to the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, Thoothukudi District, to consider and dispose of the petitioners' bail applications on the same day of their surrender in respect of Crime No.69 of 2024 on the file of the second respondent.

2.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 Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, Thoothukudi District, to consider the petitioners' bail applications, preferably on the same day of their



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surrender in connection with Crime No.69 of 2024 on the file of the second respondent 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.

3.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 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 favourably.

4.With the above direction, the Criminal Original Petition stands disposed of.

15.05.2024

NCC:Yes/No
Index:Yes/No
cmr

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To

- 1.The Sessions Judge, Special Court for
Trial of Cases registered under SC/ST (POA) Act,
Thoothukudi District.
- 2.The Deputy Superintendent of Police,
Srivaikundam Sub Division,
Thoothukudi District.
- 3.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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P.VADAMALAI, J.

cmr

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