



CrI.O.P.(MD)No.7376 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.05.2024**

CORAM

THE HONOURABLE MRS. JUSTICE **S. SRIMATHY**

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1.Arun @ Arunkumar

2.Palraj @ Balamurugan

3.Malairaman

4.Gandhiraja

5.Madhavan

6.Kaliraja @ Kalidas

7.Rajkumar

8.Saran @ Saranpandi

... Petitioners/Accused Nos.

2, 6, 9, 13, 14, 15 & 16

Vs.

1.The Deputy Superintendent of Police,
Theni Division,
Theni District.

2.The Inspector of Police,
Veerapandi Police Station,
Theni District.
(Cr.No.413 of 2023)

3.Naveen Eswaran

...Respondents



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, to consider the petitioners' bail in the event of arrest on the same day in F.I.R in Crime No.413 of 2023 on the file of the 2nd respondent police for the alleged offence under Section 147, 148, 294(b), 323, 324, 341, 506(ii) of IPC and 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 1989.

For Petitioners : Mr.V.Kasiraja

For R1 and R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, to consider and dispose of the petitioners' bail applications on the same day of their surrender in respect of Crime No.413 of 2023 on the file of the second respondent.



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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 Special Court for Trial of Cases under SC/ST (POA) Act, Theni, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.413 of 2023 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.



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S.SRIMATHY, J.

VSD

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