



Crl.O.P.(MD)No.7537 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.05.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

Crl.O.P.(MD)No.7537 of 2024

1.Malaiandi

2.Ilango

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Thiruchendur DSP – office,
Thoothukudi District.

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

3.Palsamy Suthan

4.Gowsik

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to consider the bail application of the petitioners on merits in accordance with law on the same day in connection with Crime No.43 of 2024 dated 01.05.2024, on the file of the first and second respondents by the Special Court for Exclusive Trial of Cases under Section SC / ST (PoD) Act, at Thoothukudi.



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For Petitioners : Mr.S.Saravanan
For R1 & R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the Special Court for Exclusive Trial of Cases under Section SC / ST (PoD) Act, at Thoothukudi, to accept the surrender of the petitioners and consider their bail applications on the same day on merits in relating to Crime No.43 of 2024, on the file of the first and second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 147, 148, 294(b), 324, 323 and 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Schedule Caste and the Schedule Tribunal (Prevention of Atrocities) Amendment Act 2015, in Crime No.43 of 2024, pending on the file of the first and second respondent police and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the first and second respondents and perused the materials available on record.

4. The learned Additional Public Prosecutor appearing for the first and second respondents would submit that the injured has been discharged from the hospital.

5. 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 Exclusive Trial of Cases under Section SC / ST (PoD) Act, at Thoothukudi, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.43 of 2024, on the file of the first and second respondent police and pass appropriate orders, in accordance with law, after affording due opportunity to the victim under Section 15A(3) of the SC/ST Act. The petitioners shall surrender before the concerned



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jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

6. 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 favorably.

7. With the above direction, this Criminal Original Petition stands allowed.

22.05.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MR



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To

1.The Special Court for Exclusive Trail of Cases
under Section SC / ST (PoD) Act,
Thoothukudi.

2.The Deputy Superintendent of Police,
Thiruchendur DSP – office,
Thoothukudi District.

3.The Inspector of Police,
Alwarthirunagiri Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J.

MR

Order made in
CrI.O.P.(MD)No.7537 of 2024

Dated: 22.05.2024