



Crl.O.P.(MD)No.10717 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.10717 of 2024

1.Baskar

2.Nagaraj

3.Nallusamy

4.Samidurai

... Petitioners

Vs.

1.The Deputy Superintendent of Police,  
Manapparai,  
Trichirappalli District.

2.The Inspector of Police,  
Thuvarankurichi Police Station,  
Trichirappalli District.  
(Crime No.135 of 2023)

3.Periyasamy

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 BNSS, to direct the learned Special Judge for SC/ST (Prevention of Atrocities) Act, Trichirappalli to consider the bail application of the petitioners on the same day of their surrender in Crime No.135 of 2023 on the file of the second respondent police.



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For Petitioners : Mr.K.S.Kathiravan  
For R1 & R2 : Mr.P.Kottaichamy  
Government Advocate (Crl. Side)  
For R3 : M/s.D.Saranya

### **ORDER**

This Criminal Original Petition has been filed, invoking Section 528 BNSS, seeking orders to direct the learned Special Judge for SC/ST (Prevention of Atrocities) Act, Trichirappalli to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.135 of 2023 dated 29.05.2023 on the file of the respondent police.

2.The petitioners are the accused for the offence punishable under Sections 294(b), 323, 506(1) IPC r/w Sections 3(1)(p), 3(1)(q), 3(1)(r), 3(1)(s), 3(1)(za)(A) and 3(1)(za)(E) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.135 of 2023, pending on the file of the 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 Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.

4.The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioners are not having any previous cases and the injured person has already been discharged from the hospital.

5.The learned counsel appearing for the third respondent has raised objection for granting directions.

6.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 Special Judge for SC/ST (Prevention of Atrocities) Act, Trichirappalli, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection



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with Crime No.135 of 2023 on the file of the second respondent police 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.

7.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.

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

**02.09.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
gns



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To

- 1.The Special Judge for SC/ST (Prevention of Atrocities) Act,  
Trichirappalli.
- 2.The Deputy Superintendent of Police,  
Manapparai,  
Trichirappalli District.
- 3.The Inspector of Police,  
Thuvrankurichi Police Station,  
Trichirappalli District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

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