



Crl.O.P.(MD)No.12487 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12487 of 2024

1.V.Mareeswaran

2.M.Muthukumar

... Petitioners

Vs.

1.State of Tamil Nadu Rep.by
The Deputy Superintendent of Police,
Sattur Sub Division,
Virudhunagar District.

2.The Inspector of Police,
Vembakottai Police Station,
Tenkasi District.

3.Thonthiappan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNNS, to direct learned Sessions Judge/Special Court for Exclusive Trial of SC/ST Cases, Virudhunagar District at Srivilliputhur to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.173 of 2024, dated 11.07.2024 on the file of the respondent Police.



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For Petitioners : Mr.P.Saravanakumar

For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)
for R1 & R2.

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.N.S., seeking orders, to direct learned Sessions Judge/Special Court for Exclusive Trial of SC/ST Cases, Virudhunagar District at Srivilliputhur to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.173 of 2024, dated 11.07.2024 on the file of the respondent Police.

2. The petitioners are the accused for the offences punishable under Sections 191(2), 191(3), 329(4), 296(b), 115(2), 351(3) of BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989 in Crime No.173 of 2024, 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 State and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that there existed civil dispute between the parties.

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 learned Sessions Judge/Special Court for Exclusive Trial of SC/ST Cases, Virudhunagar District at Srivilliputhur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.173 2024 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,



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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.

09.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Sessions Judge/Special Court for
Exclusive Trial of SC/ST Cases,
Virudhunagar District at Srivilliputhur.
- 2.The Deputy Superintendent of Police,
Sattur Sub Division,
Virudhunagar District.
- 3.The Inspector of Police,
Vembakottai Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

DAS

Order made in
Crl.O.P.(MD)No.12487 of 2024

Dated: 09.08.2024