



Crl.O.P.(MD)No.12707 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12707 of 2024

Mariyappan @ Rajini

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Aranthangi Division,
Pudukottai District.

2.The Inspector of Police,
Karur Police Station,
Pudukottai District.
(Crime No.28 of 2024)

3.Jeyabharathi Rajan @ Bharathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 582 of BNSS, to direct the Special Court for Trial of SC/ST Act Cases, Pudukottai to consider the petitioner's bail application on the same day of his surrender in Crime No.28 of 2024 on the file of the second respondent.

For Petitioner : Mr.T.Lenin Kumar

For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed, invoking Section 582 B.N.S.S., seeking orders to direct the Special Court for Trial of SC/ST Act Cases, Pudukottai to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.28 of 2024 on the file of the second respondent police.

2. The petitioner is the first accused for the offences punishable under Sections 329(4), 296(b), 118(1) and 351(3) BNS and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989 in Crime No.28 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.



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4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the petitioner is not having any previous cases.

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 Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Pudukottai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.28 of 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 petitioner 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.



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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 petitioner 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.

05.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

1.The Sessions Judge,
Special Court for Trial of SC/ST Act Cases,
Pudukottai.

2.The Deputy Superintendent of Police,
Aranthangi Division,
Pudukottai District.

3.The Inspector of Police,
Karur Police Station,
Pudukottai District.



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



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.12707 of 2024

Dated: 05.08.2024