



CrI.O.P.(MD)No.13130 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.13130 of 2024

Jiyavudeen

... Petitioner

Vs.

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

2.The Inspector of Police,
Chinnamanur Police Station,
Theni District.
Crime No.290 of 2024.

3.Mamallan D.Kanagamuthu

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for Trial of SC/ST Act Cases, (PCR Court), Theni to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to the Crime No.290 of 2024, dated 23.07.2024 on the file of the second respondent Police.



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

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, (PCR Court), Theni to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to the Crime No.290 of 2024, dated 23.07.2024 on the file of the second respondent Police.

2. The petitioner is the first accused for the offences punishable under Sections 166, 166A, 167, 420 IPC, Section 3 of TNPPDL Act r/w Section 3(1)(g), 3(1)(p), 3(2)(vii) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989 in Crime No.290 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the State and perused the materials available on record.

4. 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 Trial of SC/ST Act Cases, (PCR Court), Theni, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.290 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.

12.08.2024

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



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To

- 1.The Special Judge for Trial of SC/ST Act Cases,
(PCR Court), Theni.
- 2.The Deputy Superintendent of Police,
Bodinayakkanur Sub Division,
Theni District.
- 3.The Inspector of Police,
Chinnamanur Police Station,
Theni 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.13130 of 2024

Dated: 12.08.2024