



Crl.O.P.(MD)No.12976 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12976 of 2024

1.Selvaganapathi

2.Mathankumar

: Petitioners

Vs.

1.The Deputy Superintendent of Police,
Oddanchatram Division, Dindigul District.

2.The Inspector of Police,
Kallimandayam Police Station,
Dindigul District.
Crime No.185 of 2024.

3.Santhosh Kumar

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for trial of SC/ST Act cases, Dindigul to consider their bail application on the same day of their surrender in respect of Crime No.185 of 2024 on the file of the second respondent police.

For Petitioners : Mr.D.Venkatesh



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For R1 & R2

: Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)

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, Dindigul to consider their bail application on the same day of their surrender in respect of Crime No.185 of 2024 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 296(b), 115(2), 18(1), 351(2) of 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, in Crime No.185 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

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.



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4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioners are 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 Special Judge for trial of SC/ST Act cases, Dindigul, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.185 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 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.

6. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous



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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.

08.08.2024

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

To

- 1.The Special Judge for trial of SC/ST Act cases,
Dindigul.
- 2.The Deputy Superintendent of Police,
Oddanchatram Division, Dindigul District.
- 3.The Inspector of Police,
Kallimandayam Police Station,
Dindigul 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.12976 of 2024

Dated: 08.08.2024