



Crl.O.P.(MD)No.13721 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13721 of 2024

Mahalingam

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thiruvadanai Division,
Ramanathapuram District.

2.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.230 of 2022)

3.Panchammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, 1989, Ramanathapuram to number the bail petition in S.R.No.1184 dated 23.07.2024 and hear the same and pass orders on merits.

For Petitioner : Mr.D.Venkatesh

For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, 1989, Ramanathapuram to number the bail petition in S.R.No.1184 dated 23.07.2024 and hear the same and pass orders on merits.

2. The petitioner is the first accused for the offence punishable under Section 302 IPC altered into Sections 302 and 120B IPC r/w Section 3(2)(va) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.230 of 2022, pending on the file of the second respondent police.

3. It is not in dispute that the petitioner has earlier filed a petition for bail in Cr.M.P.No.103 of 2023 before the Special Court for SC/ST (PoA) Act cases, Ramanathapuram and the same came to be dismissed on 01.02.2023 and challenging the said order, the petitioner has preferred an appeal in Crl.A.(MD)No.108 of 2023 and the same was also dismissed on 20.02.2023, that subsequently the petitioner has filed another petition



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in Cr.M.P.No.612 of 2023 before the Special Court and the same came to be dismissed on 23.05.2023, that the petitioner has preferred an appeal in Crl.A.(MD)No.465 of 2023 challenging the said order and the same was also dismissed on 03.07.2023, that the petitioner has again filed a petition before the Special Court in Cr.M.P.No.1200 of 2023 and after dismissal of the same on 22.09.2023, preferred an appeal in Crl.A.(MD)No.994 of 2023 and the same was also dismissed on 19.12.2023 and that thereafter the petitioner has filed a petition in Cr.M.P.No.49 of 2024 before the Special Court and after dismissal of the same on 23.01.2024, preferred an appeal in Crl.A.(MD)No.219 of 2024 and the same was also dismissed on 17.04.2024.

4. The learned counsel appearing for the petitioner would submit that the petitioner has again filed a petition in Cr.M.P.No.784 of 2024 before the Special Court and the same came to be dismissed on 07.06.2024 and subsequently filed another petition on 23.07.2024 but the same was returned on the ground of dismissal of the Crl.A.(MD)No.465 of 2023 by the High Court on 03.07.2023.



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5. No doubt, as rightly pointed out by the learned counsel appearing for the petitioner as well as the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2, since the petitioner's earlier petitions came to be dismissed by the trial Court and the same were confirmed by this Court in criminal appeals, that by itself is not a ground to return the bail petition.

6. Since the petitioner is in judicial custody, is having every right to approach the concerned Court for bail. Hence, the impugned order returning the bail petition cannot legally be sustained and the learned Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram is directed to take the petition on bail, hear either side and then pass orders in accordance with law.

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

27.08.2024

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



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- 1.The Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Thiruvadanai Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
- 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.13721 of 2024

Dated: 27.08.2024