



Crl.O.P.(MD)No.14150 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14150 of 2024

Esakkipandi

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi District.

2.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
(Crime No.264 of 2024)

3.Senthilkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for Exclusive Trial of Cases under SC/ST Act Cases, Thoothukudi, to accept the surrender of the petitioner in connection with Crime No.264 of 2024 pending investigation on the file of the second respondent police and to consider his bail application on the same day of surrender.

For Petitioner : Mr.S.Vishnuvardhan



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For R1 & R2

: Mr.P.Kottaichamy

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the Special Court for Exclusive Trial of Cases under SC/ST Act Cases, Thoothukudi to accept surrender of the petitioner and consider his bail application on the same day and merits in relating to Crime No.264 of 2024 dated 09.08.2024 on the file of the respondent police.

2.The petitioner is the accused for the offence punishable under Sections 191(2), 191(3), 296(b), 109(1), 351(3) BNS and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA)Amendment Act, 2015 in Cr.No.264 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 Government Advocate (Criminal Side) appearing for the respondents 1 & 2 and perused the materials available on record.



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4.The learned Government Advocate (Criminal Side) appearing for the respondents 1 & 2 would submit that the petitioner is not having any previous cases and that two injured persons have already been discharged from the hospital.

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 Special Court for Exclusive Trial of Cases under SC/ST Act Cases, Thoothukudi, to consider the petitioner's' bail applications, preferably on the same day of his surrender in connection with Crime No. 264 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.



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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.

10.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

1.The Special Court for Exclusive Trial of Cases
under SC/ST Act Cases,
Thoothukudi.

2.The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi District.

3.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.

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



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K.MURALI SHANKAR,J.

gns

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