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Crl.O.P.(MD)No.14983 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14983 of 2024

Santhosh

: Petitioner

Vs.

1.The Deputy Superintendent of Police,
Periyakulam, Theni District.

2.The Inspector of Police,
Devadanapatti Police Station,
Theni District.
Crime No.233 of 2024.

3.Risathraj

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to direct the Special Court for exclusive trial of cases under SC/ST (POA) Act, 1989, Theni, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.233 of 2024, dated 06.07.2024 on the file of the respondent Police.

For Petitioner : Mr.S.Srikanth

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



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to direct the Special Court for exclusive trial of cases under SC/ST (POA) Act, 1989, Theni to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.233 of 2024, dated 06.07.2024 on the file of the respondent Police.

2. The petitioner is accused for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of BNS r/w Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (POA) Act 1989, in Crime No.233 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the State would submit that the injured was already discharged from the hospital and that the petitioner is not having any previous case.



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4. 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.

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 Judge for exclusive trial of cases under SC/ST (POA) Act, 1989, Theni, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.233 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.

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



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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.

06.09.2024

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

To

- 1.The Special Judge for exclusive trial of cases under SC/ST (POA) Act, 1989, Theni.
- 2.The Deputy Superintendent of Police, Periyakulam, Theni District.
- 3.The Inspector of Police, Devadanapatti 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.14983 of 2024

Dated: 06.09.2024