



Crl.O.P.(MD)No.14719 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14719 of 2024

Karthick @ Kathikeyan

: Petitioner/Sole Accused

Vs.

**1.The Deputy Superintendent of Police,
DSP Office, Manamadurai,
Manamadurai – 630 606.**

**2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.**

3.Saravanan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judge, Special Court for Exclusive Trial of Cases under Section SC/ST (POA) Act, 1989, Sivagangai, to accept the surrender of the petitioner and consider his bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.366 of 2024, registered on 25.08.2024 on the file of the second respondent Police.

For Petitioner

: Mr.R.Senthil Kumar



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Government Advocate (Criminal Side)
for R1 & R2.

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders, to direct the learned Judge, Special Court for Exclusive Trial of Cases under Section SC/ST (POA) Act, 1989, Sivagangai, to accept the surrender of the petitioner and consider his bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.366 of 2024, registered on 25.08.2024 on the file of the second respondent Police.

2. The petitioner is the accused for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS., r/w Section 3(1)(r) and 3(1)(s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989 in Crime No.366 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. 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 discharged from the hospital. He would further submit that the petitioner is not having any previous case.

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 learned Judge (Special Court for SC/ST (POA) Act, Sivagangai, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.366 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



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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 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.

04.09.2024

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



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To

- 1.The Judge (Special Court for SC/ST (POA) Act,
Sivagangai.
- 2.The Deputy Superintendent of Police,
DSP Office, Manamadurai,
Manamadurai – 630 606.
- 3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai 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.14719 of 2024

Dated: 04.09.2024