



*Crl.O.P.(MD)No.15809 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.15809 of 2024

G.Ramasamy

... Petitioner/accused

Vs.

1.The Deputy Superintendent of Police,  
Virudhunagar, Virudhunagar District.

2.State through :  
The Inspector of Police,  
Vachakarpatti Police Station,  
Virudhunagar District.  
Crime No.220 of 2024.

3.Kaliammal

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for SC/ST (POA) Act cases Virudhunagar at Srivilliputhur to accept the surrender of the petitioner/sole accused and to consider his bail application on the same day in connection with Crime No.220 of 2024 on the file of the second respondent Police.

For Petitioner : Mr.G.Mariappan

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



*Crl.O.P.(MD)No.15809 of 2022*

## **ORDER**

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This Criminal Original Petition has been filed, invoking Section 528 of BNSS, seeking orders, to direct the learned Judge, Special Court for SC/ST (POA) Act cases Virudhunagar at Srivilliputhur, to accept the surrender of the petitioner/sole accused and to consider his bail application on the same day in connection with Crime No.220 of 2024 on the file of the second respondent Police.

2. The petitioner is an accused for the offences punishable under Sections 296(b) of BNS and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 1989 in Crime No.220 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 State and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner is not having any previous case.



*CrI.O.P.(MD)No.15809 of 2022*

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 the learned Judge, Special Court for SC/ST (POA) Act cases Virudhunagar at Srivilliputhur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.220 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 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.



*Crl.O.P.(MD)No.15809 of 2022*

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

**20.09.2024**

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

To

- 1.The Judge, Special Court for SC/ST (POA) Act cases,  
Virudhunagar at Srivilliputhur.
- 2.The Deputy Superintendent of Police,  
Virudhunagar, Virudhunagar District.
- 3.The Inspector of Police,  
Vachakarpatti Police Station,  
Virudhunagar District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.O.P.(MD)No.15809 of 2022*

**K.MURALI SHANKAR,J.**

das

Order made in  
Crl.O.P.(MD)No.15809 of 2024

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