



Crl.O.P.(MD)No.16318 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16318 of 2024

Umadevan @ Umabathi

: Petitioner/A3

Vs.

1.The Deputy Superintendent of Police,
Thirupathur Sub Division,
Thirupathur, Sivagangai District.

2.The State rep.by the Inspector of Police,
S.V.Mangalam Police Station,
S.V.Mangalam, Sivagangai District.

3.Adaikkalaraja

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, Criminal Procedure Code, to direct the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Sivagangai District to dispose of the bail application to be filed by the petitioner on merits on the same day of their surrender before the above mentioned Court in pending investigation of Crime No.114 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Mohanasundaram

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 528 of BNSS., seeking orders, to direct the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Sivagangai District to dispose of the bail application to be filed by the petitioner on merits on the same day of their surrender before the above mentioned Court in pending investigation of Crime No.114 of 2024 on the file of the respondent police.

2.The petitioner is accused for the offences punishable under Sections 294(b), 323, 355, 506(i) IPC and Sections 3(l)(r) and 3(l)(s) of SC/ST (POA) Act 1989, in Crime No.114 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 also perused the materials available on record.

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



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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 Special Judge for Trial of Cases under SC/ST (POA) Act, Sivagangai District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.114 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 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.



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

27.09.2024

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

To

- 1.TheSpecial Judge for Trial of Cases
under SC/ST (POA) Act, Sivagangai District.
- 2.The Deputy Superintendent of Police,
Thirupathur Sub Division,
Thirupathur, Sivagangai District.
- 3.The Inspector of Police,
S.V.Mangalam Police Station,
S.V.Mangalam, 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
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