



Crl.O.P.(MD)No.17214 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17214 of 2024

Koppamuthu : Petitioner/ A1

Vs.

1.The Assistant Commissioner of Police,
O/o.The Assistant Commissioner of Police,
Cantonment, Trichy City. : Respondent/ Investigation Officer

2.The Inspector of Police,
Cantonment Police Station,
Trichy City.
Crime No.2132 of 2024. : Respondent/ Complainant

3.Soniya : Respondent/ Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, (*)Trichy pleased to accept the surrender of the petitioner and consider the petitioner's bail application on the date of surrender itself in Crime No.2132 of 2024 on the file of the second respondent.



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For Petitioner : Mr.R.Venkatesan

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

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of BNSS., seeking orders, to direct the learned Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, (*)Trichy pleaded to accept the surrender of the petitioner and consider the petitioner's bail application on the date of surrender itself in Crime No.2132 of 2024 on the file of the second respondent.

2.The petitioner is accused for the offences punishable under Sections 296(b), 115(2), 351(2) of BNS and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (POA) Act 2015, in Crime No.2132 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.



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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.

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 Exclusive Trial of Cases under SC/ST (POA) Act, (*)Trichy, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.2132 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



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same day, does not amount to consider it favorably.

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

Sd/-

Assistant Registrar(CS III)

(*)Amended as per the order of this Court dated 03/01/2025 in CrI.MP(MD)No. 11994/2024 in CrI.OP(MD)No.17214/2024

// True Copy //

/10/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

das

(*) To be subsituted to the order already despatched on 05/11/2024

To

1.The Judge,
The Special Court for Exclusive Trial of Cases
under SC/ST (POA) Act, **(*)Trichy.**

2.The Assistant Commissioner of Police,
O/o.The Assistant Commissioner of Police,
Cantonment, Trichy City.

3The Inspector of Police,
Cantonment Police Station,
Trichy City.



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

+1 CC to M/s.R.VENKATESAN, Advocate (SR-56949[F] dated 15/10/2024)

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KVL (18.10.2024) 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

BV (03/01/2025) 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.