



Crl.O.P.(MD)No.17310 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

Crl.O.P.(MD)No.17310 of 2024

Suresh

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thoothukudi Rural Sub Division,
Thoothukudi District

2.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District
(Crime No.289 of 2024)

3.Rajesh

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS read with Section 15-A of SC/ST Act, to direct the Special Court for SC/ST Act (PCR Court Wing), Thoothukudi, Thoothukudi District to accept the surrender of the petitioner and consider the petitioner's bail application on the same day on merits in the event of his surrender in connection with Crime No.289 of 2024 on the file of the second respondent.



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For Petitioner : Mr.Ka.Raamakrishnan
For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking orders to direct the Special Court for SC/ST Act (PCR Court Wing), Thoothukudi, Thoothukudi District to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.289 of 2024 on the file of the second respondent police.

2. The petitioner is the tenth accused for the offences punishable under Sections 126(2), 296(b), 109(1), 351(3) and 3(5) of BNS read with Section 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.289 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 (Crl. Side) appearing for respondent Nos. 1 and 2, and perused the materials available on record.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent Nos.1 and 2 would submit that all of the accused were arrested except the petitioner/10th accused.

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 Court for SC/ST Act (PCR Court Wing), Thoothukudi, Thoothukudi District to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.289 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.



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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 disposed of.

09.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The learned Judge,
Special Court for SC/ST Act (PCR Court Wing),
Thoothukudi, Thoothukudi District
- 2.The Deputy Superintendent of Police,
Thoothukudi Rural Sub Division,
Thoothukudi District
- 3.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.RAJASEKAR, J.

mkkn

Order made in
Crl.O.P.(MD)No.17310 of 2024

09.10.2024