



Crl.O.P.(MD)No.17337 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.17337 of 2024

1.S.Muthulakshmi

2.P.Solaichamy

... Petitioners

Vs.

1.State represented by
The Deputy Superintendent of Police,
Aruppukottai Sub Division,
Aruppukottai,
Virudhunagar District

2.State represented by
The Inspector of Police,
Pandalgudi Police Station,
Pandalgudi,
Virudhunagar District
(Crime No.90 of 2024)

3.Packiyam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the learned Special Court for exclusive trial of SC/ST (POA)
Act Cases, Virudhunagar District @ Srivilliputhur to consider the bail



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application to be filed by the petitioners on the very same day in Crime No.90 of 2024 on the file of the 2nd respondent police.

For Petitioner : Mr.B.Muneeswaran

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

ORDER

This Criminal Original Petition has been filed seeking orders to direct the learned Special Court for exclusive trial of SC/ST (POA) Act Cases, Virudhunagar District @ Srivilliputhur to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.90 of 2024 on the file of the 2nd respondent police.

2. The petitioners are the 2nd and 3rd accused for the offence punishable under Sections 191(2), 126(2), 296(b), 127, 115(2) and 133 of BNS, 2023 read with Section 4 of TNPHW Act read with Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act in Crime No.90 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2, and perused the materials available on record.

4. 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 Court for exclusive trial of SC/ST (POA) Act Cases, Virudhunagar District @ Srivilliputhur to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.90 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 petitioners 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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5. 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.

6. 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 Special Court for exclusive trial
of SC/ST (POA) Act Cases,
Virudhunagar District @ Srivilliputhur
- 2.The Deputy Superintendent of Police,
Aruppukottai Sub Division,
Aruppukottai,
Virudhunagar District
- 3.The Inspector of Police,
Pandalgudi Police Station,
Pandalgudi,
Virudhunagar District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.RAJASEKAR, J.

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Order made in
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