



Crl.O.P.(MD)No.17738 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17738 of 2024

1.Mohammed Rafi

2.J.S.Raja Mohamed

(wrongly mentioned as Raja (koliraja) in FIR

3.R.Idhris

(wrongly mentioned as Ithreesh in FIR)

4.R.Hathim

5.Y.Abbas Manthiri

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Kodaikanal,
Dindigul District.

2.The State rep by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.354 of 2024)

3.S.Uma Maheswari

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for SC/ST (Prevention of Atrocities Act) Dindigul District to consider the surrender and bail application filed by the petitioners in Crime No.354 of 2024 pending on the file of the second respondent police and to consider the bail application filed by the petitioners on the same day.

For Petitioners : Mr.K.Althaf Sheriff

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

For R3 : Mr.A.Balaji

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the Special Court for SC/ST (Prevention of Atrocities Act) Dindigul District to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.354 of 2024 dated 24.09.2024 on the file of the respondent police.

2. The petitioners are the accused 1 to 5 for the offences punishable under Sections 189(2), 296(b), 115(2) and 351(2) BNS and



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Sections 3(l)(c), 3(l)(r), 3(l)(s) and 3(1)(w)(ii) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.354 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

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

4. The learned counsel appearing for the third respondent filed a counter affidavit raising objections.

5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the first petitioner is having previous case under Section 302 IPC and the same was already disposed of and other petitioners are not having any previous cases and that the injured was discharged from the hospital.



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6. 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 (Prevention of Atrocities Act) Dindigul District, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.354 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.

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

allowed.

22.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

csm

To

1.The Special Court for SC/ST (Prevention of Atrocities Act)

Dindigul District.

2.The Deputy Superintendent of Police,

Kodaikanal,

Dindigul District.

3.The Inspector of Police,

Kodaikanal Police Station,

Dindigul District.

4.The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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Dated: 22.10.2024