



Crl.O.P.(MD)No.17689 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2024

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.17689 of 2024

Kanagavalli

... Petitioner/Accused No.2

Vs.

1.The Deputy Superintendent of Police,
Sivagangai Circle,
Sivagangai District.

2.The State rep by
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(In Crime No.401 of 2024)

... Respondents/Complainants

3.Kongaththai

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to permit the petitioner to surrender before the Special Court for Exclusive Trial of Cases Under SC/ST (POA) Act, 1989/Sessions Judge (FAC), Sivagangai, in Crime No.401 of 2024 and file an application for the grant of bail on the same day and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.



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

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the Special Court for Exclusive Trial of Cases Under SC/ST (POA) Act, 1989/Sessions Judge (FAC), Sivagangai, to accept surrender of the petitioner and consider her bail application on the same day and merits in relating to Crime No.401 of 2024 dated 14.09.2024 on the file of the respondent police.

2. The petitioner is the accused for the offence punishable under Sections 296(b), 115(2), 118(1), 324(4), 351(3) of BNS, 2023, and Sections 3(1)(r), 3(1)(s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, in Crime No.401 of 2024, pending on the file of the second respondent police and apprehending arrest, she has filed the present petition.



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

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the injured was discharged from the hospital and the petitioner is not having any previous cases.

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 Exclusive Trial of Cases Under SC/ST (POA) Act, 1989/Sessions Judge (FAC), Sivagangai, to consider the petitioner's bail application, preferably on the same day of her surrender in connection with Crime No.401 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



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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 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 allowed.

18.10.2024

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

- 1.The Special Court for Exclusive Trial of Cases Under SC/ST (POA) Act, 1989/Sessions Judge (FAC), Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivagangai Circle, Sivagangai District.
- 3.TheInspector of Police,
Kalaiyarkovil Police Station, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY,J.

dss

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