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Crl.O.P.(MD)No.18345 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.18345 of 2024

Oorapandi @ Pandiyarajan

: Petitioner

Vs.

1.The Deputy Superintendent of Police,
Virudhunagar Sub Division,
Virudhunagar District.

2.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.

3.Priyadarshan

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Sessions Judge for Special Court for Trial of SC/ST (POA) Act cases Virudhunagar District at Srivilliputhur to consider the bail application of the petitioner/A7, if any petition filed by him on his surrender on the same day in Crime No.206 of 2024 on the file of the second respondent police.

For Petitioner : Mr.S.Karthikearn

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



ORDER

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Memo filed by the petitioner, dated 24.10.2024 is recorded.

This Criminal Original Petition has been filed, invoking Section 528 of BNSS., seeking orders, to direct the learned Sessions Judge for Special Court for Trial of SC/ST (POA) Act cases Virudhunagar District at Srivilliputhur to consider the bail application of the petitioner/A7, if any petition filed by him on his surrender on the same day in Crime No.206 of 2024 on the file of the second respondent police.

2.The petitioner is accused for the offences punishable under Sections 191(2), 326(f), 49 of BNS and Sections 3(2)(va) of SC/ST (POA) Act 2015, in Crime No.206 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.

4. The learned Government Advocate (Criminal Side) appearing for



the State would submit that FIR was registered for the offence under Sections 191(2), 326(f) and 49 of BNS and that subsequently, altered to Sections 191(2), 326(f), 49 of BNS and Sections 3(2)(va) of SC/ST (POA) Act 2015. He would further submit that the co-accused were already arrested and released on bail 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 Sessions Judge for Special Court for Trial of SC/ST (POA) Act cases Virudhunagar District at Srivilliputhur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.206 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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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 allowed.

24.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das

To

1.The Sessions Judge for Special Court
for Trial of SC/ST (POA) Act cases
Virudhunagar District at Srivilliputhur

2.The Deputy Superintendent of Police,
Virudhunagar Sub Division,
Virudhunagar District.

3.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,



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Madurai Bench of Madras High Court, Madurai.

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K.MURALI SHANKAR,J.

das

Order made in
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Dated: 24.10.2024