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Crl.O.P.(MD)No.19305 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19305 of 2024

1. Mokkasamy

2.Chithra

3.Muthupandi

.. Petitioners

Vs.

1. The State of Tamilnadu

Rep. by the Deputy Superintendent of Police,
Nilakottai, Dindigul District.

2. The Inspector of Police

Batlagundu Police Station,
Dindigul District.

Crime No. 327/2024.

3. Palanisamy

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Sessions Judge Special Court of Exclusive Trial of Cases under SC/ST(POA) Act 1989, Dindigul, to consider the petitioners bail application on the same day of their surrender in Crime No. 327/2024 on the file of the 2nd respondent police.

For Petitioners : Mr.S.Muniyandi

For Respondents : Mr.K.Sanjai Gandhi

No.1& 2 Government Advocate(Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to direct the Sessions Judge Special Court of Exclusive Trial of Cases under SC/ST(POA) Act 1989, Dindigul, to consider the petitioners bail application on the same day of their surrender in Crime No. 327 of 2024 on the file of the 2nd respondent police.

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

3. 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 Sessions Judge Special Court of Exclusive Trial of Cases under SC/ST(POA) Act 1989, Dindigul, to consider the petitioners bail application, preferably on the same day of their surrender in connection with Crime No.327 of 2024 on the file of the second respondent police and pass appropriate orders, in accordance with law, after affording due



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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.

4. 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.

5. With the above direction, this Criminal Original Petition stands allowed.

11.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
LS

Note: Issue order copy on 12.11.2024
To

1.The Sessions Judge Special Court of Exclusive Trial of Cases under SC/ST(POA) Act 1989, Dindigul.



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M.NIRMAL KUMAR,J.

LS

2. The Deputy Superintendent of Police,
Nilakottai, Dindigul District.
3. The Inspector of Police
Batlagundu Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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