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Crl.O.P.(MD)No.19393 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.19393 of 2024

P.Ganesan

: Petitioner

Vs.

1. The Deputy Superintendent of Police,
Tiruchendur Sub-Division,
Tiruchendur, Thoothukudi District.

2. The Inspector of Police
Arumuganeri Police Station,
Arumuganeri,
Thoothukudi District.
Crime No. 345 of 2024

3. Kaleeswari

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Special Court for SC/ST (POA) Act Thoothukudi to consider the bail application of the petitioner on the same day of his surrender in Crime No. 345 of 2024 on the file of the 1st and 2nd respondents police.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate(Crl.Side) for R1& 2



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ORDER

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This Criminal Original Petition has been filed to direct the learned Sessions Judge, Special Court for SC/ST (POA) Act Thoothukudi to consider the bail application of the petitioner on the same day of his surrender in Crime No. 345 of 2024 on the file of the respondent police.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate(Crl.Side) appearing for the respondents 1 & 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 for SC/ST (POA) Act Thoothukudi, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.345 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.

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 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.

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 Deputy Superintendent of Police,
Tiruchendur Sub-Division,
Tiruchendur, Thoothukudi District.



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M.NIRMAL KUMAR,J.

LS

2. The Inspector of Police
Arumuganeri Police Station,
Arumuganeri,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Sessions Judge,
Special Court for SC/ST (POA) Act,
Thoothukudi.

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