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Crl.O.P.(MD)No.19594 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19594 of 2024

Kajamanoharan

.. Petitioner

Vs.

1. The Deputy Superintendent of Police
Tirunelveli,
Tirunelveli District

2. The Inspector of Police
Tirunelveli Taluk Police Station
Tirunelveli District

3. Manjokumar

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned II Additional District and Sessions Judge, Tirunelveli (PCR) Special Court for Exclusively Tribal of Cases under SC/ST (Prevention of Atrocities) Act to consider the bail petition of the petitioner on the same day of his surrender in connection with Crime No. 609 of 2024 on the file of the second respondent police.

For Petitioner	: Mr.S.Sundarapandian
For Respondents	: Mr.K.Sanjai Gandhi
No.1& 2	Government Advocate(Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the learned II Additional District and Sessions Judge, Tirunelveli (PCR) Special Court for Exclusively Tribal of Cases under SC/ST (Prevention of Atrocities) Act to consider the bail petition of the petitioner on the same day of his surrender in connection with Crime No. 609 of 2024 on the file of the second respondent police.

2. Heard the learned counsel appearing for the petitioner, 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 learned II Additional District and Sessions Judge, Tirunelveli (PCR) Special Court for Exclusively Tribal of Cases under SC/ST (Prevention of Atrocities) Act to consider the petitioner's bail application, preferably on



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the same day of his surrender in connection with Crime No.609 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.

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.

13.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav

Note: Issue order copy on 14.11.2024



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To

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1. The II Additional District and Sessions Judge,
Tirunelveli (PCR) Special Court for Exclusively
Tribal of Cases under SC/ST (Prevention of Atrocities) Act
2. The Deputy Superintendent of Police
Tirunelveli,
Tirunelveli District
3. The Inspector of Police
Tirunelveli Taluk Police Station
Tirunelveli District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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