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Crl.O.P.(MD)No.19730 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2024

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THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.19730 of 2024

1. Aravinth
2. Balamurugan : Petitioners

Vs.

1. The Deputy Superintendent of Police
Sathankulam,
Thoothukudi District

2. The Inspector of Police
Nazareth Police Station
Thoothukudi District

3. Mano : Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for trial of cases under SC/ST Act, Thoothukudi to accept the surrender of the petitioners and to consider the bail application to be filed by the petitioners on the same day in Cr No. 155/2024 on the file of the second respondent police.

For Petitioners : Mr.T.A.Ebenezer

For Respondents : Mr.A.Thiruvadikumar
No.1 and 2 Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to direct the Special Court for trial of cases under SC/ST Act, Thoothukudi to accept the surrender of the petitioners and to consider the bail application to be filed by the petitioners on the same day in Cr No.155 of 2024 on the file of the second respondent police

2. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor 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 Special Court for trial of cases under SC/ST Act, Thoothukudi, to consider the petitioners bail application, preferably on the same day of their surrender in connection with Crime No.155 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



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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.

15.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 18.11.2024



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To

1. The Special Court for trial of cases under SC/ST Act, Thoothukudi
2. The Deputy Superintendent of Police
Sathankulam,
Thoothukudi District
3. The Inspector of Police
Nazareth Police Station
Thoothukudi District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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