



Crl.O.P.(MD)No.19886 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Nilavar @ Nilavar Nisha
2.Rabik
3.Puroshkhan @ Purathos Banu
4.Sakila Banu
5.Kathija
6.Parvin @ Parvin Banu : Petitioners

Vs.

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Melur, Madurai District.

2.State of Tamil Nadu rep., through
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
Crime No.268 of 2024

3.Chithra : Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to issue direction to the learned III Additional District and Sessions Judge for Special Cases of SC/ST (POA) Act Cases, Madurai, to consider the bail application of the petitioners on the same day in connection with Crime No.268 of 2024 on the file of the second respondent police station.



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For Petitioner : Mr.S.M.A.Jinnah
For R1 & R2 : Mr.A.Thiruvadikumar
Additional Public PROsecutor

ORDER

This Criminal Original Petition has been filed to direct the learned III Additional District and Sessions Judge for Special Cases of SC/ST (POA) Act Cases, Madurai, to accept the surrender of the petitioners in Crime No.268 of 2024 on the file of the second respondent and to consider and pass orders on the bail application to be preferred by the petitioners on the same day itself.

2. Heard the learned counsel appearing for the petitioners, the learned Additional Public PROsecutor 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 learned III Additional District and Sessions Judge for Special Cases of



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SC/ST (POA) Act Cases, Madurai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.268 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 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.

18.11.2024

NCC : Yes/No
Index : Yes / No
Rmk

Note: Issue order copy on 21.11.2024



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To

- 1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Melur, Madurai District.
- 2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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