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Crl.O.P.(MD)No.20438 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20438 of 2024

Esakiselvan

: Petitioner

Vs.

1.The Deputy Superintendent of Police,
Sathankulam,
Thoothukudi District.

2.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
Crime No.224 of 2024

3.Dineshkumar

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court for trial of Cases under SC/ST Act, Thoothukudi, to accept the surrender of the petitioner and to consider the bail application to be filed by the petitioner on the same day in Crime No. 244 of 2024 on the file of the second respondent police.

For Petitioner : Mr.M.Subramanian

For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)



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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 trial of Cases under SC/ST Act, Thoothukudi, to accept the surrender of the petitioner in Crime No.244 of 2024 on the file of the second respondent and to consider and pass orders on the bail application to be preferred by the petitioner on the same day itself.

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 learned Sessions Judge, Special Court for trial of Cases under SC/ST Act, Thoothukudi, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.244 of 2024 on the file of the second respondent police and pass appropriate orders, in



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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.

25.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
Rmk

Note: Issue order copy on 29.11.2024



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To

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



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M.NIRMAL KUMAR,J.

Rmk

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