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Crl.O.P.(MD)No.20903 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20903 of 2024

Vishal @ Arulkumar

.. Petitioner

Vs.

1. The Deputy Superintendent of Police
Kariyapatti Sub Division
Virudhunagar District

2. The Inspector of Police
Aviyur Police Station
Virudhunagar District

3. Nandhakumar

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court SC/ST(POA) Act, Srivilliputhur, Virudhunagar District to dispose the bail application filed by the petitioners on merits on the same day surrender before the above mentioned concerned court in pending investigation of Crime No.158 of 2024 on the file of the respondent police.

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



ORDER

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This Criminal Original Petition has been filed to direct the Special Court SC/ST(POA) Act, Srivilliputhur, Virudhunagar District to dispose the bail application filed by the petitioner on merits on the same day surrender before the above mentioned concerned court in pending investigation of Crime No.158 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 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 SC/ST(POA) Act, Srivilliputhur, Virudhunagar District to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.158 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 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.

29.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 02.12.2024



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To

1. The Special Court SC/ST(POA) Act,
Srivilliputhur, Virudhunagar District
2. The Deputy Superintendent of Police
Kariyapatti Sub Division
Virudhunagar District
3. The Inspector of Police
Aviyur Police Station
Virudhunagar 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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