



WEB COPY



Crl.O.P.(MD)No.21012 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM

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

Crl.O.P.(MD)No.21012 of 2024

Venkatesh

: Petitioner

Vs.

1. The Deputy Superintendent of Police
Srivaikundam Sub Division
Tuticorin District

2. The Inspector of Police
Alwarthirunagari Police Station
Tirunelveli District

3. Sudalaimani

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for SC/ST Act (PCR) Tuticorin, Tuticorin District to accept the surrender of the petitioner and consider the bail application of the petitioner on the same day on merits in the event of his surrender in connection with Crime No. 35 of 2024 on the ifle of the second respondent police.

For Petitioner : Mr.Ka.Ramakrishnan

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



Crl.O.P.(MD)No.21012 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed to direct the Special Court for SC/ST Act (PCR) Tuticorin, Tuticorin District to accept the surrender of the petitioner and consider the bail application of the petitioner on the same day on merits in the event of his surrender in connection with Crime No. 35 of 2024 on the ifle of the second respondent police.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

3. It is represented by the learned Additional Public Prosecutor that it is a case and case in counter.

4. 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 SC/ST Act (PCR) Tuticorin, Tuticorin District to accept



Crl.O.P.(MD)No.21012 of 2024

the surrender of the petitioner and consider the bail application of the petitioner on the same day on merits in the event of his surrender in connection with Crime No. 35 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.

5. 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.



Crl.O.P.(MD)No.21012 of 2024

WEB COPY

6. With the above direction, this Criminal Original Petition stands allowed.

02.12.2024

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

Note: Issue order copy on 03.12.2024

To

- 1.The Special Court for SC/ST Act (PCR) Tuticorin, Tuticorin District
2. The Deputy Superintendent of Police
Srivaikundam Sub Division
Tuticorin District
3. The Inspector of Police
Alwarthirunagari Police Station
Tirunelveli District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21012 of 2024

K.K.RAMAKRISHNAN,J.

aav

Crl.O.P.(MD)No.21012 of 2024

02.12.2024