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Crl.O.P.(MD)No.21451 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21451 of 2024

B.Alagu Murugan

.. Petitioner

Vs.

State rep.,by

1.The Deputy Superintendent of Police
Aruppukottai Sub Division,
Virudhunagar District.

2.The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
Crime No.90 of 2024

3.Packiyam

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Judge for Trial of SC/ST Cases, Virudhunagar District at Srivilliputhur to accept the surrender of the petitioner/A5 in connection with Crime No.90 of 2024 on the file of the second respondent police and to consider the petitioner's bail application on the same day.

For Petitioner

: Mr.S.Kishore Kumar

For R1 & R2

: Mr.P.Kottaichamy

Government Advocate (crl.side)



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ORDER

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This Criminal Original Petition has been filed to direct the learned Special Judge for Trial of SC/ST Cases, Virudhunagar District at Srivilliputhur, to consider the Bail application of the Petitioner on the same day of his surrender before the Court in connection with Crime No. 90 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 learned Special Judge for Trial of SC/ST Cases, Virudhunagar District at Srivilliputhur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.90 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



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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.

06.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 10.12.2024



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To

- 1.The Special Judge for Trial of SC/ST Cases,
Virudhunagar District at Srivilliputhur.
- 2.The Deputy Superintendent of Police
Aruppukottai Sub Division,
Virudhunagar District.
- 3.The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar 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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