



Crl.O.P.(MD)No.21431 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.21431 of 2024

Manjula

.. Petitioner

Vs.

1.State of Tamil Nadu rep., through
The Deputy Superintendent of Police,
Karaikudi Sub Division,
Sivagangai District.

2.The Inspector of Police,
Kundrakudi Town Police Station,
Sivagangai District.
Crime No.169 of 2024

3.Aruputham

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned District and Sessions Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases (PCR Court), Sivagangai District to consider the bail application of the petitioner on the same day of surrender in Crime No.169 of 2024 on the file of the second respondent police station.

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.P.Kottaichamy
Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the District and Sessions Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases (PCR Court), Sivagangai District, to consider the Bail application of the Petitioner on the same day of her surrender before the Court in connection with Crime No.169 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 District and Sessions Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases (PCR Court), Sivagangai District, to consider the petitioner's bail application, preferably



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on the same day of her surrender in connection with Crime No.169 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.

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 09.12.2024



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M.NIRMAL KUMAR,J.

Rmk

To

- 1.The District and Sessions Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases (PCR Court), Sivagangai District.
- 2.The Deputy Superintendent of Police,
Karaikudi Sub Division,
Sivagangai District.
- 3.The Inspector of Police,
Kundrakudi Town Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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