



Crl.O.P.(MD)No.22359 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22359 of 2024

1.Ramesh
2.Revathi

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Thirupathur Sub Division,
Sivagangai.

2.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No.68 of 2023)

3.Rajeshkumar,
The Village Administrative Officer,
23, South Singampunari Group,
Singampunari Taluk,
Sivagangai District.

... Respondents

PRAYER:- Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the learned Additional District and Sessions Judge for Exclusive Trial of PCR Act Cases, Sivagangai, to consider the bail application filed by the petitioners and pass orders in the bail application filed by the petitioners on the same date of their surrender in Crime No.68 of 2023, on the file of the second respondent, in accordance with law.



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For Petitioners : Dr.R.Alagumani
For R1 and R2 : Mr.K.Sanjai Gahdhi
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the learned Additional District and Sessions Judge for the Exclusive Trial of PCR Act Cases, Sivagangai, to consider the bail application filed by the petitioners and pass orders in the bail application filed by the petitioners on the same date of their surrender in Crime No.68 of 2023, on the file of the second respondent, in accordance with law.

2. The case of the prosecution is that, on 20.04.2023, the Assistant Commissioner of Labour, Sivagangai, along with the Revenue Officials, visited the premises of KRV Brick Kiln and found that the first petitioner had employed nine labourers, namely, Selvi, W/o Veeran, who received Rs.1,20,000/- as an advance; Thirumoorthy and his wife Vijayasanthi, who received Rs.1,00,000/- as an advance; Guna and his wife Kayalvizhi, who received Rs.62,000/- as an advance; one Prakash, who worked for the advance amount received by his father; Muthukaruppan and his wife Maheshwari, who received Rs.40,000/- as an advance. The labourers were employed for less wages and treated as bonded labourers.



3. The contention of the learned counsel for the petitioners is that the first petitioner had earlier filed an application for anticipatory bail in CrI.O.P.(MD)No.7780 of 2023. By order dated 26.04.2023, this Court granted anticipatory bail to the first petitioner with the condition that he shall pay a sum of Rs. 2,50,000/- directly to the victims. Upon production of proof/acknowledgment, the learned Magistrate would accept the sureties furnished by the first petitioner. However, for some reason, the order could not be complied with. Thereafter, the first petitioner filed CrI.O.P.(MD)No.21333 of 2023. This Court, by order dated 27.11.2023, found that the offences are bailable and dismissed the petition, directing the first petitioner to approach the trial Court and file a bail application. Subsequently, the petitioners filed another petition in CrI.O.P.(MD)No. 21910 of 2024, after invoking the provisions of the SC/ST Act, and the petition was dismissed as withdrawn on 12.12.2024. Following the same, the present Criminal Original Petition has been filed.

4. The learned counsel for the petitioners submitted that the petitioners' limited prayer is only to request that their bail applications be considered on the same day.



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5. The learned Government Advocate (Criminal side) submitted that, as per the order of this Court dated 26.04.2024 in Crl.O.P.(MD)No. 7780 of 2023, the first petitioner was to pay a sum of Rs.2,50,000/- to the victims. In this case, there are nine victims, and the petitioners are required to deposit Rs.30,000/- to each victim, totaling Rs.2,70,000/-. In such circumstances, their bail applications can be considered on the same day.

6. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 and perused the materials available on record.

7. 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 petitioners to deposit a sum of Rs.30,000/- to each victim, totaling Rs.2,70,000/-, less the amount already paid, in Crime No.68 of 2023 and as and when the victims approach and file a petition, the amount of Rs.30,000/- [Rupees Thirty Thousand only] to each of the victims can be disbursed. This amount is independently paid by the petitioners on humanitarian consideration, to show their *bona fide*. This cannot be



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considered for the compensation whatever the victims are eligible under the Victim Compensation Act or under the SC/ST Act. Thereafter, on production of proof / acknowledgment, the learned Additional District and Sessions Judge for the Exclusive trial of PCR Act Cases, Sivagangai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.68 of 2023, on the file of the second respondent Police and pass appropriate orders, in accordance with law, after affording due opportunity to the victims under Section 15-A of the SC/ST Act. The petitioners 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.

8. 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 petitioners 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.

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

NCC : Yes/No
Index : Yes / No
smn2

18.12.2024

Note:- Issue order copy on 19.12.2024.



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To

- 1.The Additional District and Sessions Judge
for Exclusive Trial of PCR Act Cases,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Thirupathur Sub Division,
Sivagangai.
- 3.The Inspector of Police,
Singampunari Police Station,
Sivagangai 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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