



WEB COPY



Crl.O.P.(MD)No.22656 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22656 of 2024

1.Chandrasekar
2.Subramanian
3.Sundarraaj
4.Kasirajan
5.Panneerselvam

: Petitioners/A1 to A5

Vs.

1.The Deputy Superintendent of Police,
Maniyatchi, Tuticorin District.

2.The State of Tamil Nadu
Rep. by The Inspector of Police,
Puliyampatti Police Station,
Tuticorin District.

... Respondents No.1 and 2/Complainants

3.A.Sudalaimuthu

: 3rd Respondent/Victim (Defacto
Complainant)

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court for Scheduled Castes and Scheduled Tribes Act Cases (PCR), Thoothukudi to accept the surrender of the petitioners and consider their bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.52 of 2024, on the file of the second respondent police.



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For Petitioners : Mr.S.Ramasamy
For Respondents : Mr.A.Thiruvadikumar
No.1 & 2 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the learned Special Court for Scheduled Castes and Scheduled Tribes Act Cases (PCR), Thoothukudi and to accept the surrender of the petitioners in Crime No.52 of 2024 on the file of the second respondent and to consider and pass orders on the bail application to be preferred by the petitioners on the same day itself.

2. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor 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 Court for Scheduled Castes and Scheduled Tribes Act Cases (PCR), Thoothukudi, to consider the petitioners' bail application,



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preferably on the same day of their surrender in connection with Crime No.52 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 petitioners shall surrender before the concerned jurisdictional Court, within a period of fifteen days, from the date of 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 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.

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

20.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
Rmk

Note: Issue order copy on 02.01.2025



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M.NIRMAL KUMAR,J.

Rmk

To

- 1.The Special Court for Scheduled Castes and Scheduled Tribes Act Cases (PCR), Thoothukudi.
- 2.The Deputy Superintendent of Police,
Maniyatchi, Tuticorin District.
- 3.The Inspector of Police,
Puliyampatti Police Station,
Tuticorin District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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