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Crl.O.P.No.675 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.675 of 2025

1. Sivandhu

2. Valliyammai

... Petitioners

Vs.

1. The Deputy Superintendent of Police

Thuraimangalam

Perambalur District - 621 212

2. The State Represented by

The Inspector of Police

Kunnam Police Station, Perambalur District

(Crime No.533 of 2024)

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to direct the Principal District and Sessions Judge at Perambalur/The Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Perambalur District to consider the bail application of the petitioners herein on the same day of surrender pertaining to the Crime No.533 of 2024 on the file of the Kunnam Police Station, Perambalur District.



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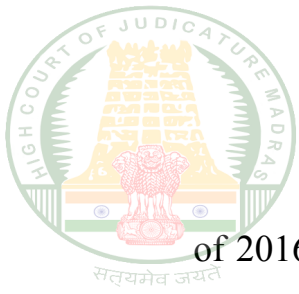
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For Petitioner : Mr.J.Ramkumar
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the Principal District and Sessions Judge at Perambalur/The Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Perambalur District to consider the bail application of the petitioners herein on the same day of surrender pertaining to the Crime No.533 of 2024 on the file of the Kunnam Police Station, Perambalur District.

2. It is to be noted that as per Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short “SC/ST Act”), there is a bar to file a petition under Section 438 Cr.P.C./483 of B.N.S.S. Therefore, Anticipatory Bail is not maintainable for the offence under the SC/ST Act. Further Section 15A under Chapter IV-A was introduced by Act 1



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of 2016 w.e.f. 26.01.2016, as per which, notice has to be sent to the victim, in

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respect of any proceedings and without giving notice, no proceedings shall be proceeded further. Further, the inherent power under Section 482 Cr.P.C./528 of B.N.S.S. should not be invoked automatically and the jurisdiction under Section 482 Cr.P.C./528 of B.N.S.S. should be exercised sparingly. When there is a specific bar under the Special Act, this Court cannot ignore the intention of the Legislators and the purpose of enactment of the Special Act. If the petitioner's application is directed to be considered on the same day without giving notice to the victim, the purpose of Sections 18 and 15A(3)(5) of SC/ST Act would be defeated and the same would curtail the statutory right of the victim.

3. Under such circumstances, this Court is not inclined to invoke Section 482 Cr.P.C./528 of B.N.S.S., which would amount to ignoring the provisions of the Special Act. Therefore, this petition shall stand dismissed. However, the petitioners are at liberty to workout their remedy in the manner known to law



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and the learned Special Judge/Magistrate is directed to exercise his/her

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discretionary power after giving notice to the victim. The learned Special

Judge/Magistrate is also directed to adhere the statutory provisions of Sections

18 and 15 A (3)(5) of SC/ST Act.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Principal District and Sessions Judge at Perambalur/
The Special Court for Trial of Cases under Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act,
Perambalur District
2. The Deputy Superintendent of Police
Thuraimangalam
Perambalur District - 621 212
3. The Inspector of Police
Kunnam Police Station
Perambalur District
4. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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