



Crl.O.P.No.16781 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.16781 of 2025

1. V.Latha
2. Lockishore

... Petitioners

Vs.

1. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
Vepery, Chennai - 600 054
2. State rep. by
Inspector of Police
W-14 Thiruvottiyur All Women Police Station
Chennai
(Crime No.13 of 2025)

3. M.Priyadharshini

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned Principal District and Session Judge, Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvallur District, to consider the bail applications filed by the petitioners in Crime No.13 of 2025 on the file of the respondent police.



Crl.O.P.No.16781 of 2025

For Petitioners : Mr.Anasar Basha

WEB COPY

For Respondents 1 and 2 : Dr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioners to direct the learned Principal District and Session Judge, Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvallur District, to consider the bail applications of the petitioners in Crime No.13 of 2025 on the file of the respondent police on the same day of hearing.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) and also perused the materials available on record.

3. Since no adverse order is being passed against the third respondent, notice to the third respondent is dispensed with.

4. 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



CrI.O.P.No.16781 of 2025

for the offence under the SC/ST Act. Further Section 15A under Chapter

WEB COPY

IV-A was introduced by Act 1 of 2016 w.e.f. 26.01.2016, as per which,

notice has to be sent to the victim, in 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 petitioners' 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.

5. 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.

6. However, the petitioners are at liberty to workout their remedy before the Special Court in the manner known to law and the learned

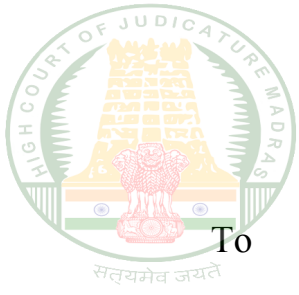


CrI.O.P.No.16781 of 2025

Special Judge/Magistrate is directed to exercise his/her 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.

12.06.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
ksa-2



CrI.O.P.No.16781 of 2025

To

WEB COPY

1. The Principal District and Session Judge,
Special Court for Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, 1989,
Thiruvallur District,
2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
Vepery, Chennai - 600 054
3. Inspector of Police
W-14 Thiruvottiur All Women Police Station
Chennai
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.O.P.No.16781 of 2025

P.VELMURUGAN, J

ksa-2

CrI.O.P.No.16781 of 2025

12.06.2025