



Crl.O.P.No.17393 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.17393 of 2025

Kumar

... Petitioner

Vs.

1. The Deputy Superintendent of Police
Arakkonam, Ranipet District

2. State rep. by
The Inspector of Police
Nemili Police Station
Nemili, Ranipet District
(Crime No.240 of 2025)

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Ranipet to consider the bail application on the same day on his surrender and file a bail application in Crime No.240 of 2025 on the file of the Inspector of Police, Nemili Police Station, Nemili, Ranipet District.

For Petitioner

: Mr.G.Vinodhkumar

For Respondents

: Dr.C.E.Pratap

Government Advocate (Crl. Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioner to direct the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Ranipet to consider the bail application of the petitioner on the same day of his surrender in Crime No.240 of 2025 on the file of the second respondent police.

2. Heard both sides also perused the materials available on record.

3. 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 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



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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.

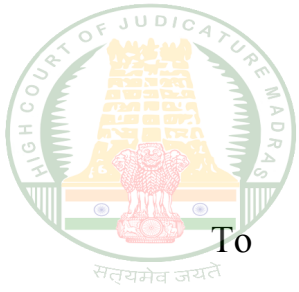
4. Under such circumstances, this Court is not inclined to invoke Section 482 Cr.P.C./528 of B.N.S.S., which would amount to ignoring the provisions of the Special Act. Therefore, this petition shall stand dismissed.

5. However, the petitioner is at liberty to workout his remedy before the Special Court in the manner known to law and the learned 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.

17.06.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

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1. The Sessions Judge,
Special Court for trial of cases under SC/ST (POA) Act,
Ranipet
2. The Deputy Superintendent of Police
Arakkonam, Ranipet District
3. The Inspector of Police
Nemili Police Station
Nemili, Ranipet District
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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