



Crl.O.P.No.17310 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.17310 of 2025

Victoria

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Permabalur District.

2. The Inspector of Police,
Mangalamedu Police Station,
Permabalur District.

3. Tamilvendhan

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS 2023, seeking direction, to direct the Special Court for PCR Cases (Principal Sessions Judge, Permabalur) under SC/ST Act to accept the surrender and consider the petitioner's bail application sympathetically and pass orders on merits on the same day of her surrender in connection with the Crime No.208 of 2025 dated 31.05.2025 pending on the file of the second respondent-Police.



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Crl.O.P.No.17310 of 2025

For Petitioner : Mr.E.C.Ramesh

For R1 and R2 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking direction, to direct the learned Principal Sessions Judge, Special Court for PCR Cases under SC/ST Act, Permabalur, to accept the surrender and consider the petitioner's bail application sympathetically and pass orders on merits on the same day of her surrender in connection with the Crime No.208 of 2025 dated 31.05.2025 pending on the file of the second respondent-Police.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.



CrI.O.P.No.17310 of 2025

WEB COPY

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 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.



CrI.O.P.No.17310 of 2025

WEB COPY

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 her 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.

16.06.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



Crl.O.P.No.17310 of 2025

WEB COPY

To

1. The Principal Sessions Judge,
Special Court for PCR Cases under SC/ST Act, Permabalur.
2. The Deputy Superintendent of Police,
Permabalur District.
3. The Inspector of Police,
Mangalamedu Police Station,
Permabalur District.
4. The Public Prosecutor,
High Court, Chennai.



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Crl.O.P.No.17310 of 2025

P.VELMURUGAN, J

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Crl.O.P.No.17310 of 2025

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