



CrI.O.P.No.17666 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.17666 of 2025

Ankith Malik @ Ankit Malik

... Petitioner

Vs.

1. The State of Tamil Nadu  
through the Assistant Commissioner/  
Deputy Superintendent of Police  
AWPS -Central Police Station  
Coimbatore District

2. The State of Tamil Nadu  
through the Inspector of Police  
AWPS -Central Police Station  
Coimbatore District  
(Crime No.15 of 2025)

3. Shalini

... Respondents

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the Special Judge for trial of cases under SC and ST (POA) Act, Coimbatore to consider the bail application of the petitioner in Crime No.15 of 2025, on the file of the respondent police on the same day.

For Petitioner

: Mr.Deepanuday



Crl.O.P.No.17666 of 2025

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

WEB COPY

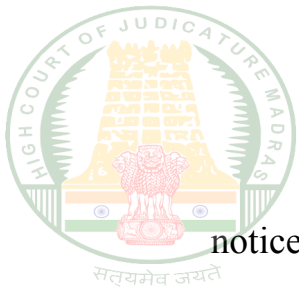
### **ORDER**

This Criminal Original Petition has been filed by the petitioner to to direct the Special Judge for trial of cases under SC and ST (POA) Act, Coimbatore to consider the bail application of the petitioner in Crime No.15 of 2025 registered for the offences under Sections 69, 351(2) of BNS and Section 3(2)(v) of SC/ST (POA) Act 1989 (Amendment 2015), on the file of the respondent police, on the same day.

2. Heard the learned counsel for the petitioner 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 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,



CrI.O.P.No.17666 of 2025

WEB.COM

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.

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 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



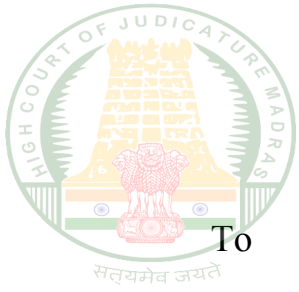
CrI.O.P.No.17666 of 2025

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

WEB COPY

**19.06.2025**

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



CrI.O.P.No.17666 of 2025

To

WEB COPY

1. The Special Judge for trial of cases  
under SC and ST (POA) Act, Coimbatore
2. The Assistant Commissioner/  
Deputy Superintendent of Police  
AWPS -Central Police Station  
Coimbatore District
3. The Inspector of Police  
AWPS -Central Police Station  
Coimbatore District
4. The Public Prosecutor,  
High Court, Madras.



WEB COPY



CrI.O.P.No.17666 of 2025

**P.VELMURUGAN, J**

ksa-2

CrI.O.P.No.17666 of 2025

19.06.2025