



Crl.O.P.No.17676 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.17676 of 2025

1. Sivamani
2. Siva
3. Sekar
4. Appu
5. Ramakrishnan

... Petitioners

Vs.

1. The Deputy Superintendent of Police
Sembanarkoil
Mayiladuthurai District
2. State Rep. by The Inspector of Police
Sembanarkoil
Mayiladuthurai District
(Crime No.221 of 2025)

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct learned Principal District and Sessions Judge, Mayiladuthurai to consider the bail application of the petitioner on the same day of surrender in Crime No.221 of 2025 before the Court on the file of the respondent police.

For Petitioners	: Mr.N.Chinnaraj
For Respondents	: Dr.C.E.Pratap Government Advocate (Crl. Side)



CrI.O.P.No.17676 of 2025

ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioners to to direct learned Principal District and Sessions Judge, Mayiladuthurai to consider the bail application of the petitioners on the same day of surrender in Crime No.221 of 2025 registered for the offences under Sections 191(3), 296(b), 118(1) of BNS, Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, on the file of the respondent police.

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 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



Crl.O.P.No.17676 of 2025

WEB COPY

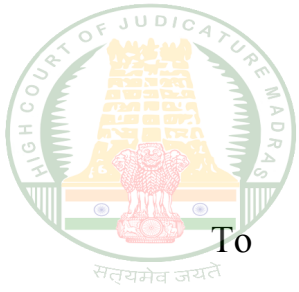
is a specific bar under the Special Act, this Court cannot ignore the intention of the Legislators and the purpose of enactment of the Special Act. If the petitioners' application is directed to be considered on the same day without giving notice to the victim, the purpose of Sections 18 and 15A(3)(5) of SC/ST Act would be defeated and the same would curtail the statutory right of the victim.

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.

4. However, the petitioners are at liberty to workout their 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.

19.06.2025

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



CrI.O.P.No.17676 of 2025

To

WEB COPY

1. The Principal District and Sessions Judge,
Mayiladuthurai
2. The Deputy Superintendent of Police
Sembanarkoil
Mayiladuthurai District
3. The Inspector of Police
Sembanarkoil
Mayiladuthurai District.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.O.P.No.17676 of 2025

P.VELMURUGAN, J

ksa-2

CrI.O.P.No.17676 of 2025

19.06.2025