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CrI.O.P.No.17951 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.17951 of 2025

1. Sagunthala
2. Balaraman
3. Sudha
4. Saraswathi
5. Dhamotharan

... Petitioners

Vs.

1. State Rep.By:  
The Deputy Superintendent of Police,  
Thiruvannamalai District,  
Thiruvannamalai.
2. The Inspector of Police,  
Brammadesam Police Station,  
Thiruvannamalai District,  
Crime No.93 of 2025.

3. Dhurugan

... Respondents

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned Principal District and Sessions Judge cum Special Judge for SC/ST Cases, Thiruvannamalai to consider the petitioner's bail application in connection with Crime No.93 of 2025 on the file of the 2<sup>nd</sup> respondent Police on the same day of their surrender.



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

### **ORDER**

This Criminal Original Petition is filed to direct the Principal District and Sessions Judge-cum-Special Judge for SC/ST Cases, Thiruvannamalai to consider the bail application of the petitioners herein on the same day of their surrender pertaining to Crime No.93 of 2025, on the file of the second respondent-Police.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 and also perused the materials available on record.

3. It is to be noted that Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short “SC/ST Act”), is bar to file a petition under Section 438 Cr.P.C. 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



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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. should not be invoked automatically and the jurisdiction under Section 482 Cr.P.C. should be exercised sparingly. When there is 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 Section 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., which would amount to ignoring the provisions of the Special Act. Therefore, this petition shall stand dismissed. However, the petitioners are at liberty to workout their remedy in the manner known to law and the learned Special Judge is directed to exercise his/her discretionary power, after giving notice to the victim. The



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learned Special Judge/Magistrate is also directed to adhere the statutory provisions of Sections 18 and 15 A (3)(5) of SC/ST Act.

**23.06.2025**

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

1. The Principal District and Sessions Judge cum Special Judge for SC/ST Cases, Thiruvannamalai.
2. The Deputy Superintendent of Police, Thiruvannamalai District, Thiruvannamalai.
3. The Inspector of Police, Brammadesam Police Station, Thiruvannamalai District.
4. The Public Prosecutor, High Court, Madras.



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**P.VELMURUGAN, J**

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