



Crl.O.P.No. 18693 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

CRL OP No. 18693 of 2025

1. Honest Raj
S/o. Venkatesan, No.12, Anna Street, Gandhi
Nagar, Arakkonam, Vellore District 631003.
2. Venkatesan
S/o. Ramachandran, No.12, Anna Street,
Gandhi Nagar, Arakkonam, Vellore District 631003.
3. Stella
S/o. Venkatesan, No.12, Anna Street, Gandhi
Nagar, Arakkonam, Vellore District 631003.
4. Priya
D/o. Manivannan, No.315, NSC Bose Street,
TVPuram, Thandaperumbakkam, Ponneri,
Thiruvallur District - 601204.

..Petitioner(s)

Vs

1. State by, The Assistant Commissioner of Police,
Ambattur Sub - Division, Ambattur.
2. The Inspector of Police,
W-28, All Women Police Station, Ambattur,
Crime No.33/2025



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3. Tmt. Vaishali

D/o.Munusamy, No.4, Kumar Illam, Indian Bank
Colony, Kathiresan Street, Ambattur.

..Respondents(s)

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to direct the learned Principal District and sessions Court, (Special Court for SC/ST Act, Cases), Thiruvallur to consider the bail application of the petitioner on the same day on merits in the event of his surrender in connection with Cr.No.33/2025 on the file of the second respondent.

For Petitioner(s): Mr.P.Pugalenth

For Respondent(s): Mr.S.Vinoth Kumar

Government Advocate (Crl. Side) for R1 and R2

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the learned Principal District and sessions Court, (Special Court for SC/ST Act, Cases), Thiruvallur to consider the bail application of the petitioner on the same day on merits in the event of his surrender in connection with Cr.No.33/2025 on the file of the second respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 and



also perused the materials available on record.

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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, 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



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would curtail the statutory right of the victim.

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

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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1. The Principal District and sessions Court,
(Special Court for SC/ST Act, Cases), Thiruvallur
2. The Assistant Commissioner of Police,
Ambattur Sub - Division, Ambattur.
3. The Inspector of Police,
W-28, All Women Police Station, Ambattur,
4. The Public Prosecutor
High Court of Madras



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