



WEB COPY



CrI.O.P.No.19524 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.19524 of 2025

Ajay

... Petitioner

Vs.

1. The State Rep. by
Deputy Superintendent of Police
Villupuram Police Sub-Division,
Villupuram, Villupuram District.

2.The State Rep. by
Sub-Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram District.

3.Kirushnakumar,

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to direct the learned Special Court for Exclusive Trial of Cases Registered under SC/ST (POA) Act, Villupuram District to accept the surrender of the petitioner and consider his bail application on the same day on merits relating to Crime No.270/2025 dated 06.06.2025 pending on the file of the 1st respondent-Police.



WEB COPY



Crl.O.P.No.19524 of 2025

For Petitioner : Mr.K.Hemarajan
For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
for R1 and R2

ORDER

The Criminal Original Petition is filed to direct the learned Special Court for Exclusive Trial of Cases Registered under SC/ST (POA) Act, Villupuram District, to accept the surrender of the petitioner and consider his bail application on the same day on merits pertaining to Crime No.270 of 2025 dated 06.06.2025 pending on the file of the 1st respondent-Police.

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



CrI.O.P.No.19524 of 2025

Anticipatory Bail is not maintainable for the offence under the SC/ST

WEB COPY

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. 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 petitioner 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 petitioner is at liberty to workout his remedy in the manner known to law and the learned Special Judge is directed to exercise his/her



CrI.O.P.No.19524 of 2025

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.

15.07.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

ms

To

1. The Special Court for Exclusive Trial of Cases
Registered under SC/ST (POA) Act,
Villupuram District.
2. The Deputy Superintendent of Police,
Villupuram Police Sub-Division,
Villupuram, Villupuram District.
3. The Sub-Inspector of Police,
Tiruvennainallur Police Station,
Villupuram District.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.19524 of 2025

P.VELMURUGAN, J

ms

Crl.O.P.No.19524 of 2025

15.07.2025