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CRL MP No. 13965 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

**CRL MP No. 13965 of 2025 in
CRL OP No.13320 of 2025**

Jayaprakash

S/o. Venkatesan,

No.13/7, Vellore Road, Paradarami,

Gudiyattam Taluk, Vellore District.

Tamilnadu - 632603

Petitioner

Vs

1. Deputy Superintendent Police,
Katpadi, Vellore - 632007

2.State Rep. by its,
Inspector of Police,
All Women Police Station Katpadi,
Vellore District. (Crime No.12 of 2024)

3.Sharmila

W/o. Jayaprakash, R.G.Mullai Nagar,
Karasamangalam, Katpadi Taluk,
Vellore,

Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 528 Cr.P.C. to extend the time for complying the order passed in Crl.O.P.No.13320 of 2025 dated 29.04.2025.



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For Petitioner : Mr.J Muthukumar

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

ORDER

This Criminal Miscellaneous Petition has been filed to extend the time for complying the order passed in Crl.O.P.No.13320 of 2025 dated 29.04.2025.

2. The learned counsel for the petitioner submitted that the petitioner had filed a petition before this Court in Crl.O.P.No.13320 of 2025 to direct the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST (PoA) Act Cases, Vellore District to consider the petitioner's bail application on the same day of his surrender in Crime No.12 of 2024 on the file of the second respondent herein and this Court by order dated 29.04.2025, directed the learned Sessions Judge to consider the petitioner's bail application, preferably on the same day of his surrender and to pass appropriate order in accordance with law, after affording due opportunity to the victim under Section 15A of the SC/ST Act and that the petitioner was directed to surrender before the jurisdictional Court within a period of fifteen days from the date of receipt



of a copy of the order. However, due to unavoidable circumstances, the petitioner could not comply with the said condition. Hence, the present petition is filed seeking extension of time to surrender and to comply with the said order.

3. Heard both sides and perused the materials available on record.

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 petition 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.

5. In this case, before passing the said order, the victim was not heard. Though this Court without hearing the victim passed the said order directing the petitioner to surrender before the concerned Jurisdictional Court within a period of fifteen days, however, a direction was also issued to the Special Court concerned to consider the petitioner's bail application, preferably on the same



day of his surrender and to pass appropriate orders in accordance with law, after affording due opportunity to the victim under Section 15A of the SC/ST Act.

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Despite giving sufficient time, the petitioner has failed to comply with the said order and now he has filed the present petition for extension of time. Therefore, this Court is not inclined to extend the time.

6. Accordingly, this Criminal miscellaneous Petition is dismissed.

7. The first respondent is directed to take action against the petitioner immediately.

18-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ksa-2



To
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1. The Sessions Judge,
Special Court for Exclusive Trial of
Cases registered under SC/ST (PoA)
Act Cases, Vellore District
2. The Deputy Superintendent Police,
Katpadi, Vellore - 632007
3. Inspector of Police,
All Women Police Station Katpadi,
Vellore District.
4. The Public Prosecutor
High Court of Madras



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CRL MP No. 13965 of 2025



P.VELMURUGAN,J.

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**CRL MP No. 13965 of 2025 in
CRL OP No.13320 of 2025**

**18.07.2025
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