



Crl.O.P.No.19931 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.19931 of 2025

1.Devaraj

2.D.Vijayakanth

... Petitioners

Vs.

1. The State represented by
The Deputy Superintendent of Police
AWPS Perambalur
Perambalur District
(Crime No.32 of 2025)

2. The State represented by
The Inspector of Police
AWPS Perambalur
Perambalur District

3. V.Durga Devi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned District/Sessions Judge at Perambalur District to consider the bail application on the same day surrender of the petitioners in Crime No.32 of 2025.



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For Petitioners : Mr.K.Niveshkumar

For Respondents 1 and 2 : Mr.S.Vinoth Kumar

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/accused to direct the learned District/Sessions Judge at Perambalur District to consider the bail application of the petitioners on the same day of their surrender in Crime No.32 of 2025.

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. 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



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without giving notice, no proceedings shall be proceeded further.

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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 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.

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 stands dismissed.

6. 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



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

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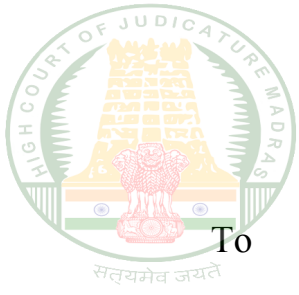
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

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1. The District/Sessions Judge
Perambalur District
2. The Deputy Superintendent of Police
AWPS Perambalur
Perambalur District
3. The State represented by
The Inspector of Police
AWPS Perambalur
Perambalur District
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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