



WEB COPY

CRL OP No. 20400 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 20400 of 2025

1. Prabhu

S/o.Balraj,

No.2/151/111, Mindigiri Village,

Pochampalli Taluk,

Krishnagiri District.

2. Mangammal

W/o.Prabhu,

No.2/151/111, Mindigiri Village,

Pochampalli Taluk, Krishnagiri District.

Petitioner(s)

Vs

1. State :Deputy Superintendent of
Police,

Krishnagiri District,

Krishnagiri.

(Cr.No.257 of 2025 of Mathur Police
Station).

2.The State Rep.by its

The Inspector of Police,

Mathur Police Station, Krishnagiri

District.



Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, 2023 seeking direction to direct the Learned Principal District and Sessions Judge, Krishnagiri to consider the bail application to be filed by the petitioners in Crime No.257 of 2025 on the file of Inspector of Police, Mathur Police Station, Krishnagiri District on the same day on merits of their surrender and pass further or other orders as this Honble Court may deem fit and proper in the circumstance of the above case.

For Petitioner(s): M/s.M.P.Saravanan

For Respondent: Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking direction to direct the learned Principal District and Sessions Judge, Krishnagiri to consider the bail application to be filed by the petitioners in Crime No.257 of 2025 on the file of Inspector of Police, Mathur Police Station, Krishnagiri District on the same day on merits of their surrender and pass further or other orders as this Honble Court may deem fit and proper in the circumstance of the above case.



WEB COPY

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

3. 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 would curtail the statutory right of the victim.

WEB COPY

4. 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.

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

21-07-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
WEB COPY

1. Principal District and Sessions Judge,
Krishnagiri
2. The Deputy Superintendent of Police,
Krishnagiri District,
Krishnagiri.
3. The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court, Chennai.



WEB COPY

CRL OP No. 20400 of 2025



P.VELMURUGAN J.

mfa

**CRL OP No. 20400 of
2025**

21-07-2025