



CrI.O.P.No.21199 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.21199 of 2025

C.Devi Priya

... Petitioner

Vs.

1. State by
The Deputy Superintendent of Police,
Palacode Sub Division,
Dharmapuri District.

2. Inspector of Police
Palacode Police Station,
Dharmapuri District.

3. Malar

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to direct the Principal District Judge, Dharmapuri to consider and dispose of the Bail Application of the petitioner on the same day of surrender before the said Court in Crime No.144 of 2025 pending on the file of the Inspector of Police, Palacode Police Station, Dharmapuri District.



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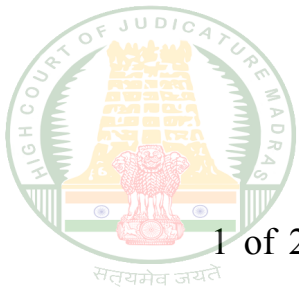
For Petitioner : Mr.R.Rameshraj
For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)
for R1 and R2

ORDER

The Criminal Original Petition is filed to direct the Principal District Judge, Dharmapuri to consider and dispose of the bail application of the petitioner on the same day of surrender before the said Court in Crime No.144 of 2025 pending on the file of the Inspector of Police, Palacode Police Station, Dharmapuri District.

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 Anticipatory Bail is not maintainable for the offence under the SC/ST Act. Further Section 15A under Chapter IV-A was introduced by Act



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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 her remedy in the manner known to law and the learned Special Judge is directed to exercise his/her discretionary power, after giving notice to the victim. The learned



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Special Judge/Magistrate is also directed to adhere the statutory provisions of Sections 18 and 15 A (3)(5) of SC/ST Act.

29.07.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Principal District Judge,
Dharmapuri.
2. The Deputy Superintendent of Police,
Palacode Sub Division,
Dharmapuri District.
3. The Inspector of Police
Palacode Police Station,
Dharmapuri District.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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