



Crl.O.P.(MD)No.112 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2025

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CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.112 of 2025

Pandiyan

.. Petitioner

Vs.

1.The State rep.,by
The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Thirupathur, Sivagangai DISTRICT.
Crime No.124 of 2024

2.The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
Crime No.124 of 2024

3.Arumugam

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Additional District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sivagangai to accept the surrender of the petitioner/sole accused and to consider his bail applications and grant bail on the same date of surrender itself in Crime No.124 of 2024 dated 18.12.2024 on the file of the second respondent police.



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For Petitioner : Mr.K.Dinesh
For Respondents : Mr.K.Sanjai Gandhi
No.1& 2 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the Additional District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sivagangai, to consider the Bail application of the Petitioner on the same day of his surrender before the Court in connection with Crime No.124 of 2024 on the file of the respondent police.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate(Crl.Side) appearing for the respondents 1 and 2 and perused the materials available on record.

3. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the Additional District and Sessions Court (Special Court for Scheduled



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Castes and Scheduled Tribes (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sivagangai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.124 of 2024 on the file of the second respondent police and pass appropriate orders, in accordance with law, after affording due opportunity to the victim under Section 15-A of the SC/ST Act. The petitioner shall surrender before the concerned jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

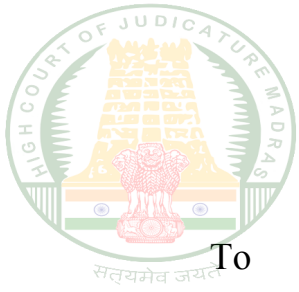
4. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous antecedents of the petitioner and pass orders. Mere direction issued by this Court to consider the bail petition on the same day, does not amount to consider it favorably.

5. With the above direction, this Criminal Original Petition stands allowed.

07.01.2025

NCC : Yes/No
Index : Yes / No
Rmk

Note: Issue order copy on 08.01.2025



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To

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- 1.The Additional District and Sessions Court
(Special Court for Scheduled Castes and Scheduled Tribes (Special Court
for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, Sivagangai.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Thirupathur, Sivagangai DIstrict.
Crime No.124 of 2024
- 3.The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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