



Crl.O.P.(MD)No.335 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.335 of 2025

1. K.Gopalakrishnan
2. T.Muthuraj
3. S.Govindan
4. N.Karthick Muthukrishnan
5. E.Sudalai
6. M.Ayyappan
7. H.Vemburaj
8. V.Nallasivam
9. G.Nagamani
10. R.Enamuthu

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by the Deputy Superintendent of Police,
Tiruchendur, Thoothukudi District.
2. The Inspector of Police,
Tiruchendur Police Station, Thoothukudi
District. Crime No. 103/2022.



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3. Manikandan

... Respondents

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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi to consider the petitioners bail application and dispose the bail application on the same day in Crime No. 103/2022 on the file of the R2.

For Petitioner : Mr.R.J.Karthick
For Respondents : Mr.K.Sanjai Gandhi (R1,R2)
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi to consider the petitioners bail application and dispose the bail application on the same day in Crime No. 103/2022 on the file of the R2.

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



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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 Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.103 of 2022 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 petitioners 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 petitioners 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.



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5. With the above direction, this Criminal Original Petition

stands allowed.

09.01.2025

NCC : Yes/No

Index : Yes / No

Internet : Yes / No

Note: Issue order copy on 10.01.2025

PNM

To

1.The Special Court for trial of cases under SC/ST (POA) Act,
Thoothukudi

2. The State of Tamil Nadu,
Rep by the Deputy Superintendent of Police,
Tiruchendur, Thoothukudi District.

3. The Inspector of Police,
Tiruchendur Police Station, Thoothukudi
District. Crime No. 103/2022.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

PNM

ORDER IN
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