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Crl.O.P.(MD)No.1140 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1140 of 2025

Kanagavalli

... Petitioner

Vs

1. The State of Tamilnnadu Rep.,
By, the Deputy Superintendent of Police,
Sivagangai Sub - Division,
Sivagangai District.

2. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District
(Crime No. 401 of 2024).

3. Kongaththai

4. Prabakaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act 1989/Sessions Judge (FAC), Sivagangai to consider the bail petition to be filed by the petitioner on the same day on her surrender in connection with Crime No.401 of 2024 on the file of 2nd respondent.

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor



Crl.O.P.(MD)No.1140 of 2025

ORDER

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This Criminal Original Petition has been filed to direct the Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act 1989/Sessions Judge (FAC), Sivagangai to consider the bail application of the Petitioner on the same day of surrender.

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 Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act 1989/Sessions Judge (FAC), Sivagangai to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.401 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



Crl.O.P.(MD)No.1140 of 2025

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.

23.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

Note: Issue order copy on 24.01.2025

PNM



Crl.O.P.(MD)No.1140 of 2025

To

1. The Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act 1989/Sessions Judge (FAC), Sivagangai
2. The Deputy Superintendent of Police,
Sivagangai Sub - Division,
Sivagangai District.
3. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District
(Crime No. 401 of 2024).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.1140 of 2025

M.NIRMAL KUMAR, J.

PNM

ORDER IN
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23.01.2025