



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

CRL.O.P (MD) No.17789 of 2019

WEB COPY

1. Ponshak @ Alex Konsak
 2. Pranch @ Francis Xavier
 3. Alwin @ Alwin Michael Rayappan
- ... petitioners/
Accused No.1,3 & 4

Vs

- 1.The Deputy Superintendent of Police,
Valliyur, Tirunelveli District.
 - 2.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(Crime No.391 of 2019)
- ... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned II Additional District and Sessions Judge, Tirunelveli (PCR Act Cases) to consider the bail application of the petitioners concerned in Crime No.391 of 2019 on the file of the second respondent police.

For petitioners : Mr.K.Sivabalan

For R1 and R2 : Mr.K.Suyambulinga Bharathi,
Government Advocate(crl.side)

O R D E R

This petition has been filed for a direction, to direct the II Additional District and Sessions Judge, Tirunelveli (PCR Act Cases), to consider the petitioners' bail petition of the petitioners on the same day of surrender and dispose the same on the same date on merits and in accordance with law in Crime No.391 of 2019 on the file of the second respondent police.

2. 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 of the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the II Additional District and Sessions Judge, Tirunelveli (PCR Act Cases), to consider the petitioners' bail application, preferably on the same day of their

surrender in connection with Crime No.391 of 2019 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.

3. In view of the above, the Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

- 1.The II Additional District and Sessions Judge,
Tirunelveli (PCR Act Cases).
- 2.The Deputy Superintendent of Police,
Valliyur, Tirunelveli District.
- 3.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.K.SIVABALAN, Advocate Sr. No. 102803

Order made in
CRL.O.P (MD) No.17789 of 2019
29.11.2019

NS (CO)

TR(29.11.2019) 2P 6C