



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10540 of 2022

WEB COPY

Prakash

... Petitioner/Accused rank not known

Vs

1. The Deputy Superintendent of Police,
Kanyakumari,
Kanyakumari District.

2. The State Represented by
The Inspector of Police,
Suchindram Police Station.
(Crime No.142 of 2022)

3. Sujith ... Respondents/ Complainants

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Additional Sessions Judge (PCR Court), Kanyakumari, to accept the surrender of the petitioner and to consider his bail application on the same day on merits in relating to Crime No.142 of 2022, dated 10.04.2022, on the file of the respondents police.

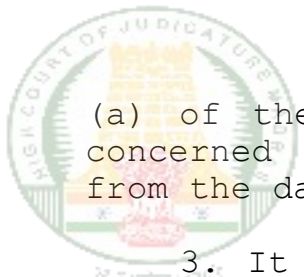
For Petitioner : Mr.R.Nireesh Kumar

For R1 & R2 : Mr.A.Albert James,
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed for a direction, to direct the learned Additional Sessions Judge (PCR Court), Kanyakumari, to accept the surrender of the petitioner and to consider his bail application on the same day on merits in relating to Crime No.142 of 2022, dated 10.04.2022, on the file of the respondents 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 the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned Additional Sessions Judge (PCR Court), Kanyakumari, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.142 of 2022 on the file of the second respondent 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.

3. 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 favourably.

4. With the above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

16/06/2022

Sub Assistant Registrar(CS)

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To

1. The learned Additional Sessions Judge (PCR Court),
Kanyakumari.
2. The Deputy Superintendent of Police,
Kanyakumari, Kanyakumari District.
3. The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P (MD) No.10540 of 2022

15.06.2022

MGJ(16.06.2022) 2P 5C