



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10861 of 2022

A.Chermakani @ Rosemary

... Petitioner/Accused No.3

Vs.

1.State Rep. by

The Deputy Superintendent of Police,
Alangulam Police Station,
Tenkasi District.

2.State Rep. by

The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tenkasi District.

...1st & 2nd Respondents/Complainants

3.B.Lakshmanan

... 3rd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the IInd Additional District Cum Sessions (PCR) Court, Tirunelveli, to accept the surrender and consider the petitioner's bail application on the same day in connection with Cr.No.186 of 2022 on the file of the 2nd respondent police station.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.A.Albert James,

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed for a direction, to direct the learned Judge, IInd Additional District Cum Sessions (PCR) Court, Tirunelveli, to consider the petitioner's bail application in Cr.No.186 of 2022 on the file 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 the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned Judge, IInd Additional District Cum Sessions (PCR) Court, Tirunelveli, to consider the petitioner's bail application, preferably on the same day of her surrender in connection with Crime No.15 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 (W)

// True Copy //

21/06/2022

Sub Assistant Registrar(CS)

vsd

To

1.The IInd Additional District Cum Sessions (PCR) Judge,
Tirunelveli,

2.The Deputy Superintendent of Police,
Alangulam Police Station,
Tenkasi District.

3.The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tenkasi District.

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

+1 CC to M/s.S. KUMAR, Advocate (SR-27194[F] dated 21/06/2022)

ORDER IN
CRL.O.P (MD) No.10861 of 2022
20.06.2022

NA (CO)

GC(21.06.2022) 2P 6C