



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10917 of 2022

WEB COPY

- 1.Balachandran @ Bala @ Attai Bala
- 2.Eshwaran @ Eswaran
- 3.Dhinesh Kumar @ Karunkanni ... Petitioners/Accused Nos.1 to 3

Vs .

- 1.The Deputy Superintendent of Police,
Usilampatti,
Madurai District.
- 2.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Cr.No.98 of 2022) ... 1st &2nd Respondents/Complainants
- 3.Prabakaran ... 3rd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the III - Additional District & Sessions Judge (PCR), Madurai to consider the bail application of the petitioners concerned in Crime No.98 of 2022 on the file of the Inspector of Police, Usilampatti Taluk Police Station, Madurai District/the second respondent herein and pass order in accordance with law on the same day on their surrender if any petition filed by the petitioners.

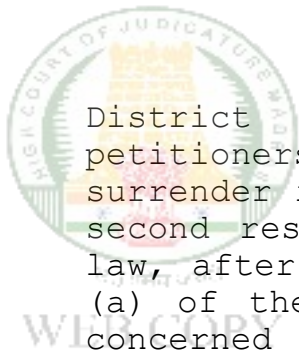
For Petitioner : Mr.A.Arputharaj
Advocate.

For Respondent : 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 the learned III - Additional District & Sessions Judge (PCR), Madurai to consider the petitioners' bail application on the same day of their surrender in Crime No.98 of 2022 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 the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned III - Additional



District & Sessions Judge (PCR), Madurai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.98 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 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. 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 favourably.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The III - Additional District & Sessions Judge (PCR), Madurai.

2.The Deputy Superintendent of Police,
Usilampatti, Madurai District.

2.The Inspector of Police,
Usilampatti Taluk Police Station, Madurai District.

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

+1 CC to M/s.A. ARPUTHARAJ, Advocate (SR-27212[F] dated
21/06/2022)

CRL.O.P (MD) No.10917 of 2022

Date:20.06.2022

SA(21.06.2022) 2P 6C