



**Crl.O.P.(MD) No.13074 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED: 20.07.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**CRL.O.P (MD) No.13074 of 2022**

1. S.Kamala @ Esakkiammal  
2.Iyyappan

... Petitioners

Vs

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

2.The Inspector of Police,  
Puliyarai Police Station,  
Tenkasi District.

3.Krish

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned IInd Additional District Sessions Judge cum P.C.R. Court, Tirunelveli to consider the petitioner's bail application and dispose the bail application on the same day, if the petitioners surrender before the learned IInd Additional District Sessions Judge cum P.C.R. Court, Tirunelveli, in Crime No.138 of 2022 on the file of the second respondent.

For Petitioners : Mr.R.J.Karthick  
For Respondent : Mr.A.Albert James,  
Government Advocate (Crl.Side)



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## **ORDER**

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This Criminal Original Petition has been filed for a direction, to direct the learned IInd Additional District Sessions Judge cum P.C.R. Court, Tirunelveli to consider the petitioner's bail application and dispose the bail application on the same day, if the petitioners surrender before the learned IInd Additional District Sessions Judge cum P.C.R. Court, Tirunelveli, in Crime No.138 of 2022 on the file of the second respondent.

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 IInd Additional District Sessions Judge cum P.C.R. Court, Tirunelveli, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No. 138 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



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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.

**20.07.2022**

Internet:Yes./No  
Index:Yes/no  
PNM

**Note: Issue order copy on 21.07.2022**



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To

- 1.The learned IInd Additional District  
Sessions Judge cum P.C.R. Court, Tirunelveli.
- 2.The Deputy Superintendent of Police,  
Tenkasi,  
Tenkasi District.
- 3.The Inspector of Police,  
Puliyarai Police Station,  
Tenkasi District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**V.SIVAGNANAM, J.**

vsg

ORDER IN  
**CRL.O.P (MD) No.13074 of 2022**

**20.07.2022**