



Crl.O.P.(MD) No.13845 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13845 of 2022

Chinnadurai

...Petitioner

VS

**1. The Deputy Superintendent of Police
Peraiyoor Sub Division
Madurai District**

**2. The Inspector of Police
Saptur Police Station
Madurai District**

3. Nishanth

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Judge on the Special Court for the PCR Cases, at Madurai, Madurai District, to consider the petitioner's bail application and dispose the bail application on the same day, if the petitioner / Accused No. 4 surrender before the Special Court for P.C.R Act cases at Madurain in Crime No.115 of 2022 on the file of the second respondent.

For Petitioner : Mr.S.Thirunavukarasu

For Respondents : Mr.A.Albert James

No.1 and 2 : Government Advocate(Crl.Side)



Crl.O.P.(MD) No.13845 of 2022

ORDER

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This Criminal Original Petition has been filed for a direction to direct the Special court for the PCR Cases, at Madurai, Madurai District, to consider the petitioner's bail application and dispose the bail application on the same day, if the petitioner / Accused No. 4 surrender before the Special Court for P.C.R Act cases at Madurain in Crime No.115 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 Special court for the PCR Cases, at Madurai, Madurai District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 115 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



Crl.O.P.(MD) No.13845 of 2022

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.

01.08.2022

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

Note: Issue order copy on 02.08.2022



Crl.O.P.(MD) No.13845 of 2022

To

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1. The Special court for the PCR Cases, at Madurai, Madurai District
2. The Deputy Superintendent of Police
Peraiyoor Sub Division
Madurai District
3. The Inspector of Police
Saptur Police Station
Madurai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.13845 of 2022

V.SIVAGNANAM, J.

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ORDER IN
CRL.O.P (MD) No.13845 of 2022

01.08.2022