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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14866 of 2022

1.Raju
2.Rajam @ Rajalakshmi ... Petitioners/Accused Nos.1 & 2

Vs.

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

2.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(Crime No.285 of 2022) ...1st & 2nd Respondents/Complainants

3.Ulaganathan ...3rd Respondent/*De facto* Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the II Additional District and Sessions Judge cum PCR court, Tirunelveli, to consider the petitioner's bail application and dispose the bail application on the same day, if the petitioners surrender before the II Additional District and Sessions Judge cum PCR Court, Tirunelveli, in Crime No.285 of 2022.

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For Petitioners : Mr.R.J.Karthick

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

For R3 : Mr.C.Mayil Vahana Rajendran

O R D E R

This Criminal Original Petition has been filed for a direction to direct the learned II Additional District and Sessions Judge cum PCR Court, Tirunelveli, to consider the petitioners bail application on the same day of their surrender in Crime No.285 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 II Additional District and Sessions Judge cum PCR court, Tirunelveli, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.285 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)

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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.

18.08.2022

Internet:Yes/No
Index:Yes/No
vsd

Note:Issue Order Copy on 18.08.2022

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To

1.The II Additional District and Sessions Judge
cum PCR Court,
Tirunelveli.

2.The Deputy Superintendent of Police,
Puliankudi,
Tenkasi District.

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

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

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V.SIVAGNANAM, J.

vsd

ORDER IN
CRL.O.P (MD) No.14866 of 2022

18.08.2022

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