



Crl.O.P.(MD) No.15177 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15177 of 2022

1. N.Dhanamoorthy
2. M.Mahesh @ Maheswaran
3. V.Mahendran
4. K.Ramkumar
5. P.Balamurugan @ Balu
6. R.Suresh
7. B.Karunaimani
8. R.Yuvakaran
9. P.Vignesh @ Pugal
10. S.Manoj @ Manoji
11. R.Sangilimuthu @ Sangalimuthu
12. R.Prabakaran
13. A.Vadivel

...Petitioners/A-1 to 13

.VS.

1. The Deputy Superintendent of Police
DSP Office, Thiruvaiyaru Saragam,
Thanjavur – 613 402.



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2. The State

Represented by the Inspector of Police
Sengipatti Police Station,
Thanjavur – 613 402.
(Crime No.423 of 2022)

3. T.Moorthi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to accept the surrender of the petitioner before the Special Court for SC/ST (Prevention of Atrocities) Act i.e., The First Additional District and Sessions Judge at Thanjavur, in connection with the Crime No.423 of 2022 on the file of the 2nd respondent police and to consider the bail application filed by the petitioner on the same day.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.A.Albert James
No.1 and 2 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed for a direction to direct the learned I Additional District and Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act, Thanjavur, to consider the petitioner's bail application on the same day of his surrender in Crime No.423 of 2022 on the file of the 2nd respondent police.



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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 Additional Sessions Court (PCR Court), Ramanathapuram, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 423 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.



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

24.08.2022

Internet: Yes./No

Index: Yes/no

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Note: Issue order copy on 02.09.2022



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WEB COPY To

1. The Deputy Superintendent of Police
DSP Office, Thiruvaiyaru Saragam,
Thanjavur – 613 402.
2. The Inspector of Police
Sengipatti Police Station,
Thanjavur – 613 402.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

ksa

ORDER IN
CRL.O.P (MD) No.15177 of 2022

24.08.2022