



Crl.O.P.(MD) No.15637 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2022

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CRL.O.P (MD) No.15637 of 2022

Murugesan

... Petitioner/Sole Accused

Vs.

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

2.The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
Crime No.256 of 2022.

... Respondents 1 & 2/Complainants

3.Sonaimuthu

... 3rd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Additional District and Sessions Judge for PCR Court, Sivagangai to consider the petitioner's bail petition on merits upon the petitioner surrender before the said Court and enlarge the petitioner on bail on the same day according to the law in Crime No.256 of 2022 on the file of the second respondent police.

For Petitioner : Mr.R.Velmurugan
For R1 & R2 : Mr.A.Albert James
Government Advocate (Crl. side)



Crl.O.P.(MD) No.15637 of 2022

ORDER

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This Criminal Original Petition has been filed for a direction to direct the learned Additional District and Sessions Judge for PCR Court, Sivagangai, to consider the petitioner's bail application on the same day of his surrender in Crime No.256 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 Additional District and Sessions Judge for PCR Court, Sivagangai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.256 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.



Crl.O.P.(MD) No.15637 of 2022

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 favorably.

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

30.08.2022

Internet: Yes./No

Index: Yes/no

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Note: Issue order copy on 01.09.2022.

To

- 1.The Additional District and Sessions Judge for PCR Court, Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.
- 3.The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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Crl.O.P.(MD) No.15637 of 2022

K.MURALI SHANKAR, J.

sjj

ORDER IN
CRL.O.P (MD) No.15637 of 2022

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