



Crl.O.P.(MD)No.21708 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **08.12.2022**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21708 of 2022

1.N.Selvaraj

2.M.Santhi

3.A.Kumar

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Bodi Sub Division,
Theni District.

2.State represented by
The Inspector of Police,
Kurangani Police Station,
Theni District.
(Crime No.56 of 2022)

3.M.Vijayarajan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Theni PCR Court special Court for Exclusively triable of cases under SC/ST (Prevention of Atrocities) Act, to consider the bail petition of the



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petitioners on the same day on their surrender in connection with Crime No.56 of 2022 on the file of the second respondent police.

For Petitioners : Mr.C.Saravanakumar

For R1 & R2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Sessions Judge, Theni PCR Court special Court for Exclusively triable of cases under SC/ST (Prevention of Atrocities) Act to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.56 of 2022 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 147, 323, 354(B) and 506(1) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 in Crime No.56 of 2022, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

4. 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 Sessions Judge, Theni PCR Court special Court for Exclusively triable of cases under SC/ST (Prevention of Atrocities) Act to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.56 of 2022 on the file of the second respondent police 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 jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.



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5. 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 favorably.

6. With the above direction, this Criminal Original Petition stands allowed.

08.12.2022

Index : Yes / No
Internet : Yes / No
csm



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To

- 1.The Sessions Judge, Theni
PCR Court special Court for Exclusively triable of cases
under SC/ST (Prevention of Atrocities) Act.
- 2.The Deputy Superintendent of Police,
Bodi Sub Division,
Theni District.
- 3.The Inspector of Police,
Kurangani Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csm

Order made in
Crl.O.P.(MD)No.21708 of 2022

Dated: 08.12.2022