



Crl.O.P.(MD)No.22034 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22034 of 2022

1.Sundari @ Ganasundari

2.Umabalan

... Petitioners/A1 & A2

Vs.

1.The Deputy Superintendent of Police,
Thanjavur Police Station Division,
Thanjavur District.

2. State rep.
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.841 of 2022)

3.Devi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Principal District and Sessions Judge (PCR Court), Thanjavur to accept the surrender of the petitioners and consider their bail application on the same day on merits relating to Crime No.841 of 2022, dated 26.11.2022.



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Crl.O.P.(MD)No.22034 of 2022

For Petitioner : Mr.K.Saravanakumar,
For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Principal District and Sessions Judge (PCR Court), Thanjavur to accept the surrender of the petitioners and consider their bail application on the same day on merits relating to Crime No.841 of 2022, dated 26.11.2022.

2. The petitioners are accused for the offences punishable under Sections 323, 324 IPC r/w Sections 3(l)(r), 3(l)(s) of SC/ST (POA) Amendment Act, 1989, in Crime No.841 of 2022, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

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.



Crl.O.P.(MD)No.22034 of 2022

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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 Principal District and Sessions Judge (PCR Court), Thanjavur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.841 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.

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.



Crl.O.P.(MD)No.22034 of 2022

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

14.12.2022

Index : Yes / No
Internet : Yes / No
das

To

- 1.The Principal District and Sessions Judge
(PCR Court), Thanjavur.
- 2.The Deputy Superintendent of Police,
Thanjavur Police Station Division,
Thanjavur District.
- 3.The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.22034 of 2022

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.22034 of 2022

Dated: 14.12.2022