



Crl.O.P.(MD)No.22085 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.22085 of 2022

Prakash

... Petitioner/Accused

Vs.

1.The Deputy Superintendent of Police,
Kumbakonam, Thanjavur District.

2.The Inspector of Police,
Patteeswaram Police Station,
Thanjavur District.
(Crime No.726 of 2022)

3.Sujitha

4.Meenatchi

5.Priyanka

6.Sivasakthi

7.Aatchikannu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned District Additional and Sessions Judge (PCR), Thanjavur to consider the bail application of the petitioner in connection with Crime No.726 of 2022 on the same date of surrender and dispose the same on its merits in accordance with law.



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For Petitioner : Mr.R.Maheswaran,
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 District Additional and Sessions Judge (PCR), Thanjavur to consider the petitioner's bail application and grant bail on the date of surrender itself in connection with Crime No.726 of 2022 on the file of the respondent Police.

2. The petitioner is an accused for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Sections 3(l)(r), 3(l)(s), 3(2)(va) of SC/ST (POA) Amendment Act, 1989 in Crime No.726 of 2022, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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3. Heard the learned counsel appearing for the petitioner, 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 District Additional and Sessions Judge (PCR), Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.726 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 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.

5. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous



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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.

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

14.12.2022

Index : Yes / No
Internet : Yes / No
das

To

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



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.22085 of 2022

Dated: 14.12.2022