



*Crl.O.P.(MD)No.22233 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2022**

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

**Crl.O.P.(MD)No.22233 of 2022**

1.Vetri @ Vetrivel

2.Vinoth @ Vinoth Semon

3.Antony @ Antonyraj

... Petitioners

Vs.

1.The Assistant Commissioner of Police,  
Tirunelveli City.

2.State represented by  
The Inspector of Police,  
Melapalayam Police Station,  
Tirunelveli City.  
(Crime No.419 of 2022)

3.Maharajan

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Additional District Judge-II, (PCR Court), Tirunelveli to accept the surrender and consider the bail application to be filed by the petitioners on the same day on merits in Crime No.419 of 2022 on the file of the second respondent.



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For Petitioners : Mr.M.M.Manivel Pandian  
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 Additional District Judge-II, (PCR Court), Tirunelveli, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.419 of 2022 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 294(b) and 323 IPC r/w Sections 3(1)(e) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.419 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. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the injured was already discharged from the hospital and that the petitioners are not having any previous cases.

5. 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 Judge-II, (PCR Court), Tirunelveli, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.419 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



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the concerned jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

6. 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.

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

**16.12.2022**

Index : Yes / No  
Internet : Yes / No  
csm



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To

- 1.The Additional District Judge-II, (PCR Court),  
Tirunelveli.
- 2.The Assistant Commissioner of Police,  
Tirunelveli City.
- 3.The Inspector of Police,  
Melapalayam Police Station,  
Tirunelveli City.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

csn

Order made in  
**Crl.O.P.(MD)No.22233 of 2022**

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