



Crl.O.P.(MD)No.22278 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.22278 of 2022

Palanisamy

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Lalgudi Sub Division,
Trichy District.

2.The Inspector of Police,
Sirugnur Police Station,
Trichy District.
(Crime No.269 of 2022)

3.Mathiyazhagan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned I Additional Sessions Judge cum Special Judge, PCR Court, Trichy to pass order on the bail petition filed by the petitioner on the same day of surrender in Crime No. 269 of 2022 on the file of the Inspector of Police, Siruganur Police Station, Trichy District.



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For Petitioner : Mr.S.B.Kayvin Prince

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 I Additional Sessions Judge cum Special Judge, PCR Court, Trichy, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.269 of 2022 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 294(b) and 506(2) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989, in Crime No.269 of 2022, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

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.



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4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the petitioner is 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 I Additional Sessions Judge cum Special Judge, PCR Court, Trichy, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.269 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.

6. 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.

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 I Additional Sessions Judge cum Special Judge,
PCR Court, Trichy.
- 2.The Deputy Superintendent of Police,
Lalgudi Sub Division,
Trichy District.
- 3.The Inspector of Police,
Sirugnur Police Station,
Trichy District.
- 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.22278 of 2022

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