



Crl.O.P.(MD)No.22269 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.22269 of 2022

1.M.Rengarajan

2.P.Krishnamoorthi @ Kitcha

... Petitioners

Vs.

1.The State represented by
The Deputy Superintendent of Police,
O/o. Rajapalayam Sub Division,
Rajapalayam North Police Station,
Virudhunagar District.
(Crime No.339 of 2022)

2.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(Crime No.339 of 2022)

3.C.Prakeshraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989), Srivilliputhur, Virudhunagar to accept the



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surrender of the petitioners/accused 2 and 3 and to consider their bail applications and grant bail on the date of surrender itself in Crime No. 339 of 2022 dated 07.12.2022 on the file of the second respondent police.

For Petitioners : Mr.E.Marees Kumar

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 Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989), Srivilliputhur, Virudhunagar, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.339 of 2022 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 323, 341, 324 and 506(2) IPC and r/w Sections 3(l)(s), 3(l)(r) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989



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in Crime No.339 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.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the injured was already discharged from the hospital. He would further submit that the first petitioner is having three previous cases, in which, one case for the offence under Section 302 IPC and other two cases under the SC/ST Act and that the second petitioner is having four previous cases, in which, one case for the offence under Section 302 IPC, one case under the SC/ST Act and other two cases under the Prohibition Act.

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



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intention of the Parliament against innocent persons, there shall be a direction to the learned Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989), Srivilliputhur, Virudhunagar, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.339 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.

6. At the time of passing orders, the learned Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989), Srivilliputhur, Virudhunagar is directed to take note of the petitioners' previous cases also.

7. 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 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.

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

16.12.2022

Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Sessions Judge
(Special Court for Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989), Srivilliputhur, Virudhunagar.
- 2.The Deputy Superintendent of Police,
O/o. Rajapalayam Sub Division,
Rajapalayam North Police Station,
Virudhunagar District.
- 3.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

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Order made in
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