



Crl.O.P.(MD)No.22644 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.12.2022**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22644 of 2022

1.Thangadurai

2.Muthuramalingam

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Vallioor,
Tirunelveli District.

2.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
(Crime No.375 of 2022)

3.Suman Bharath

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned II Additional District and Sessions Judge (Special Court for SC/ST Act cases), Tirunelveli to consider and pass orders on bail application to be filed by the petitioners in connection with Crime No.375 of 2022 pending on the file of the second respondent on the same day.



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For Petitioners : Mr.S.Muthumalai Raja

For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned II Additional District and Sessions Judge (Special Court for SC/ST Act cases), Tirunelveli to consider and pass orders on bail application to be filed by the petitioners in connection with Crime No.375 of 2022 pending on the file of the second respondent on the same day.

2. The petitioners are the accused for the offences punishable under Sections 294(b) and 506(1) IPC and Sections 3(l)(r) and 3(l)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2015 in Crime No.375 of 2022, pending on the file of the second respondent and apprehending arrest, they have filed the present petition.

3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.



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4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the first petitioner is having two previous cases, in which, one case for the offence under Section 420 IPC and that the second petitioner is having one previous case for the offence under Section 420 IPC. He would further submit that no one was injured in the incident.

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 II Additional District and Sessions Judge (Special Court for SC/ST Act cases), Tirunelveli to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.375 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.



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6. At the time of passing orders, the learned II Additional District and Sessions Judge (Special Court for SC/ST Act cases), Tirunelveli, 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 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.

21.12.2022

Index : Yes / No
Internet : Yes / No
csm



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To

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- 1.The II Additional District and Sessions Judge
(Special Court for SC/ST Act cases), Tirunelveli.
- 2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Vallioor,
Tirunelveli District.
- 3.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli 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.22644 of 2022

Dated: 21.12.2022