



Crl.O.P.(MD)No.226 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.226 of 2023

1.Saravanan

2.Nithya

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Karur, Karur District.

2.The Inspector of Police,
Aravakurichi Police Station,
Karur District.
(Crime No.524 of 2022)

3.Tamilkavi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Principal District Sessions Judge (PCR Act Cases), Karur to consider the petitioners' bail application on the same day which would be filed by the petitioner in connection with the Crime No.401 of 2022 on the file of the second respondent police station.



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Crl.O.P.(MD)No.226 of 2023

For Petitioners : Mr.M.Saravanan,
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 Principal District Sessions Judge (PCR Act Cases), Karur to consider the petitioners' bail application on the same day which would be filed by the petitioner in connection with the Crime No.401 of 2022 on the file of the second respondent police station.

2. The petitioners are accused for the offences punishable under Sections 323, 506(i), 379, 427 IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (PoA) Amendment Act, 1989 in Crime No.401 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 Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.



Crl.O.P.(MD)No.226 of 2023

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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 Principal District Sessions Judge (PCR Act Cases), Karur, to consider the petitioners' bail application, preferably on the same day of his surrender in connection with Crime No.401 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.

5. 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 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.



Crl.O.P.(MD)No.226 of 2023

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

05.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Principal District Sessions Judge
(PCR Act Cases), Karur.
- 2.The Deputy Superintendent of Police,
Karur, Karur District.
- 3.The Inspector of Police,
Aravakurichi Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.226 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.226 of 2023

Dated: 05.01.2023