



Crl.O.P.(MD)No.231 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.231 of 2023

1.Pandi

2.Vignesh

... Petitioners

Vs.

1.State rep.by

The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Thoothukudi , Thoothukudi (City).

2.The Inspector of Police,
Thermalnagar Police Station,
Thoothukudi District.
(Crime No.87 of 2022)

3.Sivakumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Special Court for SC/ST (POA)Act, Thoothukudi, to consider the bail application of the petitioners on the same day of their surrender before that Court in connection with Crime No.87 of 2022 on the file of the respondent police after hearing the victims under Section 15(a) of SC/St Act.

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For Petitioners : Mr.V.Selvakumar,
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 District and Sessions Judge (Special Court for PCR cases), Thoothukudi, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.87 of 2022 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(2) IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 in Crime No.87 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 Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.

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 District and Sessions Judge (Special Court for PCR cases), Thoothukudi, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.87 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



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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.

6. The learned Government Advocate (Criminal Side) would submit that though the petitioners name does not find place in the FIR, they were implicated based on the confession alleged to have been taken from the co-accused. He would further submit that the accused 2, 3, 4 and 5 were already arrested and released on bail and the accused 5, 6, 7 and 10 had surrendered before the concerned Court as per the direction of this Court and thereafter released on bail. He would further submit that the first petitioner is having one previous case and the second petitioner is having three previous cases. The learned Sessions Judge is also directed to take note of the above aspects, while passing orders.

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

05.01.2023

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

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To

- 1.The District and Sessions Judge
(Special Court for PCR cases), Thoothukudi.
2. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Thoothukudi , Thoothukudi (City).
- 3.The Inspector of Police,
Thermalnagar Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.231 of 2023

Dated: 05.01.2023