



Crl.O.P.(MD)No.297 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.297 of 2023

Rasathi

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Puliangudi,
Tenkasi District.

2.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
(Crime No.167 of 2022)

3.Thamaraiselvi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned II Additional District Court (PCR Act Cases), Tirunelveli to consider the bail application of the petitioner concerned in Crime No.167 of 2022 on the file of the Inspector of Police, Vasudevanallur Police Station, Tenkasi District / the second respondent herein and pass orders in accordance with law on the same day on her surrender if any petition filed by the petitioner.



Crl.O.P.(MD)No.297 of 2023

For Petitioner : Mr.V.Palpandi
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 Court (PCR Act Cases), Tirunelveli to accept the surrender of the petitioner and consider her bail application on the same day on merits in relating to Crime No.167 of 2022 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 3(l)(r), 3(l)(s) and 3(l)(w)(i) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 506(1) IPC in Crime No.167 of 2022, pending on the file of the second respondent police and apprehending arrest, she has filed the present petition.



Crl.O.P.(MD)No.297 of 2023

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

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioner is not having any previous cases. He would further submit that the accused 1 and 2 have filed a petition in Crl.O.P.(MD)No.16449 of 2022 seeking the very same relief and this Court vide order dated 19.10.2022 has allowed the petition.

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 Court (PCR Act Cases), Tirunelveli, to consider the petitioner's bail application, preferably on the same day of her surrender in connection with Crime No.167 of 2022 on the file of the second respondent police and pass appropriate orders, in



Crl.O.P.(MD)No.297 of 2023

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 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.

06.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



WEB COPY



Crl.O.P.(MD)No.297 of 2023

To

- 1.The II Additional District Court (PCR Act Cases),
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Puliangudi,
Tenkasi District.
- 3.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.297 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.297 of 2023

Dated: 06.01.2023