



Crl.O.P.(MD)No.287 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.287 of 2023

Iruthayaraj

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Tiruchendur Sub-Division,
Tiruchendur,
Thoothukudi District.

2.The Inspector of Police,
Arumuganeri Police Station,
Arumuganeri,
Thoothukudi District.
(Crime No.316 of 2022)

3.Marimuthu

... 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 petitioner on the same day on his surrender in Crime No.316 of 2022 on the file of the respondents 1 and 2 police.



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For Petitioner : Mr.N.Pragalathan
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 Sessions Judge, Special Court for SC/ST (POA) Act, Thoothukudi to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.316 of 2022 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 294(b) and 506(1) IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Sections 3(l)(r) and 3(l)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.316 of 2022, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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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 having one previous case for the offence under Section 326 IPC.

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 Sessions Judge, Special Court for SC/ST (POA) Act, Thoothukudi, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.316 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 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.



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6. At the time of passing orders, the learned Sessions Judge, Special Court for SC/ST (POA) Act, Thoothukudi, is directed to take note of the petitioner's previous case 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 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.

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

06.01.2023

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



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WEB COPY

To

- 1.The Sessions Judge, Special Court for SC/ST (POA) Act,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Tiruchendur Sub-Division,
Tiruchendur,
Thoothukudi District.
- 3.The Inspector of Police,
Arumuganeri Police Station,
Arumuganeri,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.287 of 2023

Dated: 06.01.2023