



CrI.O.P.(MD)No.507 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.507 of 2023

1.Ramachandran

2.Ravichandran

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District.

2.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
(Crime No.984 of 2022)

3.Rajendran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned I Additional District Sessions Judge (Special Court for SC/ST Act Cases, PCR), Thanajvur, Thanjavur District to consider and dispose of the bail application filed by the petitioners in Crime No.984 of 2022, dated 29.11.2022 on the file of the second respondent herein, on the same day of their surrender before the said Court.

1/5



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Crl.O.P.(MD)No.507 of 2023

For Petitioners : Mr.R.Ilayaraja,

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

ORDER

This Criminal Original Petition filed, under Section 482 Cr.P.C., seeking orders to direct the learned I Additional District Sessions Judge (Special Court for SC/ST Act Cases, PCR), Thanajvur, Thanjavur District to consider and dispose of the bail application filed by the petitioners in Crime No.984 of 2022, dated 29.11.2022 on the file of the second respondent herein, on the same day of their surrender before the said Court.

2. The petitioners are accused for the offences punishable under Sections 3(l)(r), 3(l)(u), 3(l)(y and 3(2)(va) of SC/ST (PoA) Act, 1989, in Crime No.984 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 and perused the materials available on record.



Crl.O.P.(MD)No.507 of 2023

WEB COPY

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that with regard to the Crime No.984 of 2022, similar directions were already issued by this Court in Crl.O.P(MD)No. 23305 of 2022, dated 28.12.2022.

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 I Additional District Sessions Judge (Special Court for SC/ST Act Cases, PCR), Thanajvur, Thanjavur District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.984 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.



Crl.O.P.(MD)No.507 of 2023

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 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.

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

09.01.2023

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

To

- 1.The I Additional District Sessions Judge
(Special Court for S/ST Act Cases, PCR),
Thanajvur, Thanjavur District .
- 2.The Deputy Superintendent of Police,
Orathanadu Sub Division, Thanjavur District.
- 3.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

4/5



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Crl.O.P.(MD)No.507 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.507 of 2023

Dated: 09.01.2023