



Crl.O.P.(MD)No.689 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.689 of 2023

Jerald @ Sahaya Jerald Melvin

... Petitioner/Sole Accused

Vs.

1.State through

The Deputy Superintendent of Police,
Kanyakumari, Kanyakumari District.

2.The Inspector of Police,

Kanyakumari Police Station,
Kanyakumari, Kanyakumari District.
(Crime No.320 of 2022)

... Respondent/Complainant

3.E.Vijay

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the II Additional District Court/Special Court (PCR Court Wing) Tirunelveli to accept the surrender of the petitioner and consider the bail application of the petitioner on the same day on merits in the event of his surrender in connection with Crime No.320 of 2022 on the file of the respondent police.



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For Petitioner : Mr.Ramakrishnan.KA
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 II Additional District Court/Special Court (PCR Court Wing) Tirunelveli to accept the surrender of the petitioner and consider the bail application of the petitioner on the same day on merits in the event of his surrender in connection with Crime No.320 of 2022 on the file of the respondent police.

2. The petitioner is the accused for the offences punishable under Sections 294(b), 353 and 506(i) of IPC and Section 3(l)(r) of the SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.320 of 2022, pending on the file of the second respondent 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. 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 II Additional District Court/Special Court (PCR Court Wing) Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.320 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.

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 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.

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

23.01.2023

NCC : Yes / No
Index : Yes / No
Rmk

To

1.The II Additional District Judge/Special Court (PCR Court Wing)
Tirunelveli.

2.The Deputy Superintendent of Police,
Kanyakumari, Kanyakumari District.

3.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari, Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

Rmk

Order made in
Crl.O.P.(MD)No.689 of 2023

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