



*Crl.O.P.(MD)No.1306 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2023**

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

**Crl.O.P.(MD)No.1306 of 2023**

1. Selvakumar,
2. Suresh Kumar,

: Petitioners

Vs

1. The Deputy Superintendent Of Police,  
Theni District, Theni.

2. The Inspector of Police,  
Chinnamannur Police Station,  
Theni District.  
(In Crime No.05/2023).

3. Sangil,

: Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the District Sessions Court, (PCR Cases), Theni, to consider the surrender and Bail application filed by the petitioners in Crime No.05 of 2023 pending on the file of the Respondent Police on the same day.



*Crl.O.P.(MD)No.1306 of 2023*

For Petitioners : Mr.M.Jerin Mathew  
For R1 & R2 : Mr.S.S.Madhavan  
Government Advocate (Crl.Side)

### **ORDER**

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the District Sessions Court, (PCR Cases), Theni to consider the surrender and Bail application filed by the petitioners in Crime No.05 of 2023 pending on the file of the Respondent Police on the same day.

2. The petitioners are the accused for the offence punishable under Sections 294(b), 324 and 506(2) IPC r/w Sections 3(l)(r), 3(l)(s) and 3(2) (va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.05 of 2023, pending on the file of the second respondent police and apprehending arrest, the petitioner has filed the present petition.

3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) appearing for the respondents 1



*Crl.O.P.(MD)No.1306 of 2023*

and 2 and perused the materials available on record.

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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 District Sessions Court, (PCR Cases), Theni, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.05 of 2023 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 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



*Crl.O.P.(MD)No.1306 of 2023*

to consider it favorably.

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

**24.01.2023**

NCC :Yes/No  
Index:Yes / No  
Internet:Yes / No  
lr



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*Crl.O.P.(MD)No.1306 of 2023*

To

- 1.The District Sessions Court, (PCR Cases),  
Theni.
2. The Deputy Superintendent Of Police,  
Theni District, Theni.
3. The Inspector of Police,  
Chinnamannur Police Station,  
Theni District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.O.P.(MD)No.1306 of 2023*

**K.MURALI SHANKAR,J.**

lr

Order made in  
**Crl.O.P.(MD)No.1306 of 2023**

Dated: 24.01.2023