



Crl.O.P.(MD)No.646 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.646 of 2023

1.Iyappan

2.Muthuraman

... Petitioners

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Aranthangi,
Pudukkottai District.

2.The Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
(Crime No.2 of 2023)

3.Sridevi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for PCR Cases, Pudukkottai to accept the surrender of the petitioners and to consider the petitioners' bail application on the same day in connection with Crime No.2 of 2023 on the file of the respondent police.



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For Petitioners : Mr.K.Baalasundharam

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 Special Court for PCR Cases, Pudukkottai to accept the surrender of the petitioners and to consider the petitioners' bail application on the same day in connection with Crime No.2 of 2023 on the file of the respondent police.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 323, 354 and 506(1) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.2 of 2023, 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 1 and 2 and perused the materials available on record.



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4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the first petitioner is having three previous cases, in which, two cases were already ended in acquittal and one case for the offence under Section 4(1)(aaa) of TNP Act is pending and that the second petitioner is not having any previous cases.

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 Special Court for PCR Cases, Pudukkottai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.2 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.



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6. At the time of passing orders, the learned Judge, Special Court for PCR Cases, Pudukkottai, is directed to take note of the first 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 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.

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

11.01.2023

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



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To

- 1.The Special Court for PCR Cases,
Pudukkottai.
- 2.The Deputy Superintendent of Police,
Aranthangi,
Pudukkottai District.
- 3.The Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.646 of 2023

Dated: 11.01.2023