



Crl.O.P.(MD)No.731 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.731 of 2023

T.Siva

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Melur,
Madurai District.

2.The State represented by
The Inspector of Police,
Keelavalvu Police Station,
(Crime No.320 of 2022)

3.Mookkan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge (PCR), Madurai Cases under SC/ST (POA) Act, Madurai to consider the petitioner's bail petition on the same day upon the surrender before the said court and enlarge the petitioner on bail on the same day in Crime No.320 of 2022 on the file of the second respondent police.



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For Petitioner : Mr.N.Mohamed Ayyadurai
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 (PCR), Madurai Cases under SC/ST (POA) Act, Madurai, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.320 of 2022 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 323 and 427 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.320 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 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 Sessions Judge (PCR), Madurai Cases under SC/ST (POA) Act, Madurai, 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,



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within a period of fifteen days, from the date of the receipt of a copy of this order.

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 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.

7. 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 Sessions Judge (PCR),
Madurai Cases under SC/ST (POA) Act, Madurai.
- 2.The Deputy Superintendent of Police,
Melur,
Madurai District.
- 3.The Inspector of Police,
Keelavalvu Police Station,
Madurai.
- 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.731 of 2023

Dated: 11.01.2023