



Crl.O.P.(MD)No.867 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.867 of 2023

1.Eswaran

2.Eswari

3.Vasanthi

3.Selvi

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Uthamapalayam Sub-Division,
Theni District.

2.State reo.by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.38 of 2022)

3.Muthulakshmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge/Special Court for SC/ST Act Cases, Theni to accept the surrender of the petitioner and consider his bail application on the same day on merits in

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relating to Crime No.38 of 2022, dated 19.12.2022 on the file of the respondent Police.

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For Petitioner : Mr.T.Sivananthan,

For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Sessions Judge/Special Court for SC/ST Act Cases, Theni to accept the surrender of the petitioners and consider their bail applications on the same day on merits in relating to Crime No.38 of 2022, dated 19.12.2022 on the file of the respondent Police.

2. It is not in dispute that on the basis of the complaint given by the third respondent, FIR came to be registered in Crime No.38 of 2022, on 19.12.2022 against the petitioners for the offences punishable under Sections 376, 417, 506(i) IPC and Section 3(2)(v) of SC/ST (POA) Amendment Act, 1989, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

4. The learned counsel for the petitioners would submit that the main accused/first accused was already arrested and is in judicial custody.

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/Special Court for SC/ST Act Cases, Theni, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.38 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 learned Sessions Judge is also directed to take into account to the nature and gravity of the offence



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alleged at the time of passing order. 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.

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.

19.01.2023

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



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To

- 1.The Sessions Judge/Special Court for SC/ST Act Cases,
Theni.
- 2.The Deputy Superintendent of Police,
Uthamapalayam Sub-Division,
Theni District.
- 3.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.867 of 2023

Dated: 19.01.2023