



Crl.O.P.(MD)No.1203 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.1203 of 2023

1.Veeramani

2.Valli @ Manickavalli

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.

2.State represented by
The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(Crime No.196 of 2022)

3.N.Vellaisamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned III Additional District and Sessions Court (PCR), Madurai to consider and dispose of the bail application filed by the petitioner in Crime No.196 of 2022 on the file of the second respondent herein on the same day of his surrender.



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For Petitioners : Mr.L.Prabhu
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 III Additional District and Sessions Court (PCR), Madurai to consider and dispose of the bail application filed by the petitioner in Crime No.196 of 2022 on the file of the second respondent herein on the same day of his surrender.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 323 and 506(1) IPC and Sections 3(l)(r) and 3(l)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.196 of 2022, 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 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 petitioners are 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 III Additional District and Sessions Court (PCR), Madurai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.196 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 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. 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.

23.01.2023

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



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To

- 1.The III Additional District and Sessions Court (PCR),
Madurai.
- 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.
- 3.The Inspector of Police,
Kallikudi Police Station,
Madurai 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.1203 of 2023

Dated: 23.01.2023