



Crl.O.P.(MD)No.1213 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.1213 of 2023

Ganesan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kumbakonam,
Thanjavur District.

2.State through
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime No.30 of 2023)

3.Kalaiyarasan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned I Additional District and Sessions Judge (PCR), Thanjavur to consider the bail application filed by the petitioner and pass order in the bail application filed by the petitioner on the same date of his surrender in Crime No.30 of 2023 on the file of the second respondent in accordance with law.



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For Petitioner : Mr.R.Alagumani
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 I Additional District and Sessions Judge (PCR), Thanjavur to consider the bail application filed by the petitioner and pass order in the bail application filed by the petitioner on the same date of his surrender in Crime No.30 of 2023 on the file of the second respondent in accordance with law.

2. The petitioner is an accused for the offences punishable under Sections 294(b) and 323 IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.30 of 2023, 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 I Additional District and Sessions Judge (PCR), Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.30 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 petitioner 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 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.

23.01.2023

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



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WEB COPY

To

- 1.The I Additional District and Sessions Judge (PCR),
Thanjavur.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kumbakonam,
Thanjavur District.
- 3.The Inspector of Police,
Swamimalai Police Station,
Thanjavur 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.1213 of 2023

Dated: 23.01.2023