



Crl.O.P.(MD)No.1235 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1235 of 2023

Ponmanikandan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Sattur Sub Division, Virudhunagar District.

2.The Inspector of Police,
Elayirampannai Police Station, Virudhunagar District.

3.K.Palpandi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned District and Sessions Judge (PCR cases), Srivilliputhur to consider the bail application on the surrender of the petitioner on the same day in connection with crime No. 10 of 2023 on the file of the second respondent police on merits on the same day.

For Petitioner : Mr.N.Mariappan

For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned District and Sessions Judge (PCR cases), Srivilliputhur to consider the bail application on the surrender of the petitioner on the same day in connection with crime No. 10 of 2023 on the file of the second respondent police on merits on the same day.

2.The petitioner is the accused for the offences punishable under Sections 294(b), 341, 323, 307, 506(ii) IPC r/w Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.10 of 2023, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

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.



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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 District and Sessions Judge(PCR Cases), Srivilliputhur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.10 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.

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



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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.

16.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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To

- 1.The District and Sessions Judge(PCR Cases),
Srivilliputhur.
- 2.The Deputy Superintendent of Police,
Sattur Sub Division,
Virudhunagar District.
- 3.The Inspector of Police,
Elayirampannai Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

gns

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