



Crl.O.P.(MD)No.1315 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1315 of 2023

- 1.Pradeepkumar @ Pradeep
- 2.Kannan @ Kannichamy
- 3.Jegadheeswaran @ Jegadhees
- 4.Jeyasurya @ Surya
- 5.Praveenkumar @ Praveen
- 6.Alaghan
- 7.Ravi

... Petitioners

Vs.

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai, Madurai District.
- 2.The State rep.by
The Inspector of Police,
Appanthirupathy Police Station,
Madurai.
Crime No.7 of 2023.

- 3.Anandh

... Respondents



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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Principal and District Sessions Judge and (Special Court for Scheduled Castes and Scheduled Tribes) (Prevention of Atrocities) Act, Madurai to accept the surrender of the petitioners and consider their bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.7 of 2023, registered on 15.01.2023 on the file of the second respondent Police.

For Petitioners : Mr.S.Bharathi,
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 Principal and District Sessions Judge and (Special Court for Scheduled Castes and Scheduled Tribes) (Prevention of Atrocities) Act, Madurai to accept the surrender of the petitioners and consider their bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.7 of 2023, registered on 15.01.2023 on the file of the second respondent Police.



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2. The petitioners is are accused for the offences punishable under Sections 147, 148, 294(b), 341, 323, 324, 427 IPC r/w Sections 3(l)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989, in Crime No.7 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

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

4. 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 Principal and District Sessions Judge and (Special Court for SC/ST (POA) Act Cases, Madurai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.7 of 2023 on the file of the second respondent police and pass appropriate orders, in accordance with law,



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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.

5. 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.

6. With the above direction, this Criminal Original Petition stands allowed.

01.02.2023

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



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To

- 1.The Principal and District Sessions Judge,
(Special Court for SC/ST (POA) Act Cases,
Madurai.
- 2.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai, Madurai District.
- 3.The Inspector of Police,
Appanthirupathy Police Station,
Madurai.
- 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.1315 of 2023

Dated: 01.02.2023