



Crl.O.P.(MD)No.1363 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1363 of 2023

Gowtham,

: Petitioner

Vs

1. The Deputy Superintendent Of Police,
Othakadai, Madurai District.

2. The State represented through,
The Sub Inspector of Police,
Appanthiruppathi Police Station,
Madurai District
(Crime No.138 of 2022).

3. M.Renuka Devi,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the III Additional District and Sessions Court (PCR Act Cases), Madurai, to consider the petitioner bail application on the date of his surrender in respect of Crime No.138 of 2022, on the file of the second respondent police and grant the same on the very same day.



WEB COPY



Crl.O.P.(MD)No.1363 of 2023

For Petitioner : Mr.M.Kaliraj
For R1 & R2 : Mr.S.S.Madhavan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the III Additional District and Sessions Court (PCR Act Cases), Madurai, to consider the petitioner bail application on the date of his surrender in respect of Crime No.138 of 2022, on the file of the second respondent police and grant the same on the very same day.

2. The petitioner is an accused for the offences punishable under Sections 147, 148, 448, 323, 324 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.138 of 2022, pending on the file of the second respondent police and apprehending arrest, the petitioner has filed the present petition.



Crl.O.P.(MD)No.1363 of 2023

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 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 III Additional District and Sessions Court (PCR ACT Cases), Madurai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.138 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 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



Crl.O.P.(MD)No.1363 of 2023

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.

24.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
lr



WEB COPY



Crl.O.P.(MD)No.1363 of 2023

To

- 1.The III Additional District and
Sessions Court (PCR ACT Cases),
Madurai.
2. The Deputy Superintendent Of Police,
Othakadai, Madurai District.
- e. The Sub Inspector of Police,
Appanthiruppathi Police Station,
Madurai District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1363 of 2023

K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.1363 of 2023

Dated: 24.01.2023