



Crl.O.P.(MD)No.1733 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1733 of 2023

1.Senthil

2.Kanagaraj

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Musiri, Tiruchirapalli District.

2.State rep.by the Inspector of Police,
Musiri Police Station,
Tiruchirapalli District.
(Crime No.374 of 2022)

3.Ravindharan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned I Additional District Judge, (PCR), Tiruchirapalli to consider and dispose of the bail application of the petitioner on merits in connection with the case in Crime No.374 of 2022 on the file of the Inspector of Police, Musiri Police Station, Tiruchirapalli District on the same date of their surrender.



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For Petitioners : Mr.B.Vetrivel,
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 I Additional District Judge, (PCR), Tiruchirapalli to consider and dispose of the bail application of the petitioner on merits in connection with the case in Crime No.374 of 2022 on the file of the Inspector of Police, Musiri Police Station, Tiruchirapalli District on the same date of their surrender.

2. The petitioners are accused for the offences punishable under Sections 147, 148, 294(b), 323, 506(ii) IPC r/w Sections 3(1)(r) and 3(2) (va) of SC/ST (POA) Amendment Act, 2015, in Crime No.374 of 2022, 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.



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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 I Additional District Judge, (PCR), Tiruchirapalli, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.374 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.

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 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.



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

30.01.2023

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

To

- 1.The I Additional District Judge, (PCR),
Tiruchirapalli.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Musiri, Tiruchirapalli District.
- 3.The Inspector of Police,
Musiri Police Station,
Tiruchirapalli District.
- 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.1733 of 2023

Dated: 30.01.2023