



Crl.O.P.(MD)No.1730 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.1730 of 2023

Selvan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thuckalay, Kanyakumari District.

2.The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.25 of 2023)

3.Thankappan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned II Additional District and Sessions Court (PCR Cases), Tirunelveli concerned in Crime No.25 of 2023 on the file of the second respondent Police.

For Petitioner : Mr.G.Aravinthan,

For R1 & R2 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned II Additional District and Sessions Court (PCR Cases), Tirunelveli concerned in Crime No.25 of 2023 on the file of the second respondent Police.

2. The petitioner is an accused for the offences punishable under Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015 in Crime No.25 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 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



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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 II Additional District and Sessions Court (PCR Cases), Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.25 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.

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.



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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 II Additional District and Sessions Court
(PCR Cases), Tirunelveli.
- 2.The Deputy Superintendent of Police,
Thuckalay, Kanyakumari District.
- 3.The Inspector of Police,
Papanasam Police Station,
Thanjavur 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.1730 of 2023

Dated: 30.01.2023