



Crl.O.P.(MD)No.1835 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1835 of 2023

1.Varun

2.Raja @ Pandhal Raja

3.Nitishkumar @ Nitish

4.Udhayasankar

5.Ganesan

6.Tamilselvan @ Selvam

7.Rajesh @ Rajeshkumar

8.Balaji

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Thiruvudaimarudhur,
Thanjavur District.

2.The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
(Crime No.56 of 2023)

3.Rajkumar

... Respondents

1/6



Crl.O.P.(MD)No.1835 of 2023

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 1st Additional District and Sessions Judge (PCR) Court, Thanjavur to consider the bail application of the petitioners on the same day on their surrender in connection with Crime No.56 of 2023 on the file of the second respondent police.

For Petitioners : Mr.AN.Ramanathan

For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned 1st Additional District and Sessions Judge (PCR) Court, Thanjavur, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.56 of 2023 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 147, 294(b), 323, 324 and 506(2) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.56 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



Crl.O.P.(MD)No.1835 of 2023

3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the seventh petitioner is having one previous case under the Mines and Minerals Act.

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 1st Additional District and Sessions Judge (PCR) Court, Thanjavur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.56 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 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.

3/6



Crl.O.P.(MD)No.1835 of 2023

6. At the time of passing orders, the learned 1st Additional District and Sessions Judge (PCR) Court, Thanjavur, is directed to take note of the seventh petitioner's previous case also.

7. 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.

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

31.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



Crl.O.P.(MD)No.1835 of 2023

WEB COPY To

- 1.The 1st Additional District and Sessions Judge (PCR) Court,
Thanjavur.
- 2.The Deputy Superintendent of Police,
Thiruvidaimarudhur,
Thanjavur District.
- 3.The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1835 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.1835 of 2023

Dated: 31.01.2023