



Crl.O.P.(MD)No.1778 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.1778 of 2023

Madasamy @ Kannan

... Petitioner

Vs.

1.State through
The Deputy Superintendent of Police,
Thalaiyuthu Sub Division,
Tirunelveli District.

2.The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No.32 of 2023)

3.Anantharaj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned II Additional Sessions Court (PCR Court), Tirunelveli to consider the petitioner's bail application on the same day of surrender in Crime No.32 of 2023 dated 18.01.2023 on the file of the second respondent police.

For Petitioner : Mr.T.Pradeep

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



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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 Sessions Court (PCR Court), Tirunelveli to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.32 of 2023 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 147, 294(b), 324 and 506(2) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.32 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 Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.



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4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioner is not having any previous cases.

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 II Additional Sessions Court (PCR Court), Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.32 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.

6. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous



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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.

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

31.01.2023

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



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To

- 1.The II Additional Sessions Court (PCR Court),
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Thalaiyuthu Sub Division,
Tirunelveli District.
- 3.The Inspector of Police,
Manur Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.1778 of 2023

Dated: 31.01.2023