



Crl.O.P.(MD)No.1878 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1878 of 2023

Prasanakumar,

: Petitioner

Vs

1. The Deputy Superintendent Of Police,
Bodi Sub Division, Theni District.

2. The State represented by
The Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District
(Crime No.356 of 2022).

3. Gomathi,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Theni (PCR Court Special Court for Exclusively Tribal of cases under SC/ST(Prevention Atrocities) Act to consider the bail petition of the petitioner on the same day on his surrender in connection with Crime No. 356 of 2022, on the file of the second respondent police.



WEB COPY



Crl.O.P.(MD)No.1878 of 2023

For Petitioner : Mr.C.Saravanakumar
For R1 & R2 : Mr.R.Siva Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Sessions Judge, Theni (PCR Court Special Court for Exclusively Tribal of cases under SC/ST(Prevention Atrocities) Act to consider the bail petition of the petitioner on the same day on his surrender in connection with Crime No. 356 of 2022, on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 323, 354 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 r/w 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.356 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.1878 of 2023

WEB COPY

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 Sessions Judge, Theni (PCR Court Special Court for Exclusively Tribal of cases under SC/ST(Prevention Atrocities) Act, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.356 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.



Crl.O.P.(MD)No.1878 of 2023

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.

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

01.02.2023

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



WEB COPY



Crl.O.P.(MD)No.1878 of 2023

To

- 1.The Sessions Judge,
Theni (PCR Court Special Court for
Exclusively Tribal of cases under SC/ST
(Prevention Atrocities).
2. The Deputy Superintendent Of Police,
Bodi Sub Division, Theni District.
3. The State represented by
The Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1878 of 2023

K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.1878 of 2023

Dated: 01.02.2023