



Crl.O.P.(MD)No.1891 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.1891 of 2023

1. Venkadesh @ Anderl Karthik,

2. Karthik,

: Petitioners

Vs

1. The State represented by
The Deputy Superintendent Of Police,
Thirumangalam, Madurai District

2. The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.
(Crime No.342/2022).

3. Alagan,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue necessary direction to the learned III Additional District and Sessions Judge (PCR Court), Madurai, to consider and pass orders on bail application to be filed by petitioner in connection with Crime No.342/2022 pending on file of the second



Crl.O.P.(MD)No.1891 of 2023

respondent on the same day.

WEB COPY

For Petitioners : Mr.S.Pandiyaraj
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned III Additional District and Sessions Judge (PCR Court), Madurai, to consider and pass orders on bail application to be filed by petitioner in connection with Crime No. 342/2022 pending on file of the second respondent on the same day.

2. The petitioners are the accused for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 427 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) Act, 1989 in Crime No.342 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.1891 of 2023

WEB COPY

3. Heard the learned counsel appearing for the petitioners, 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 III Additional District and Sessions Judge (PCR Cases), Madurai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.342 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



Crl.O.P.(MD)No.1891 of 2023

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.

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.1891 of 2023

To

- 1.The III Additional District and Sessions Judge (PCR Cases),
Madurai.
2. The Deputy Superintendent Of Police,
Thirumangalam, Madurai District
3. The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1891 of 2023

K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.1891 of 2023

Dated: 01.02.2023