



Crl.O.P.(MD)No.1971 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1. Karthik,
2. Prabhakaran,
3. Nallusamy,
4. Naveen,
5. Alagu @ Alagan,
6. Thiruppathi,

: Petitioners

Vs

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

2. The Inspector of Police,
Kottampatti Police Station,
Madurai District.
Crime No.20 of 2022

3. Thangapandi,
4. Rajesh,
5. Thavam,
6. Murugeswari,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the III Additional District and



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Sessions Judge Court, Madurai to consider the bail application of the Petitioners in connection with the FIR in Crime No.20 of 2023 on the file of the second respondent Police on the very same date of the surrender of the petitioners and consequently, to enlarge the petitioners on bail on the very same itself by disposing the petitioner's bail application.

For Petitioners : Mr.E.Pradeepraj

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 Court, Madurai to consider the bail application of the Petitioners in connection with the FIR in Crime No.20 of 2023 on the file of the second respondent Police on the very same date of the surrender of the petitioners and consequently, to enlarge the petitioners on bail on the very same itself by disposing the petitioner's bail application.

2.The learned Counsel appearing for the petitioner would submit that in the affidavit, he has wrongly mentioned one of the Section as 506(1) IPC instead of 506(ii) IPC and he has also filed a memo to that



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3. The petitioners are the accused for the offence punishable under Sections 147, 341, 294(b), 323, 324 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.20 of 2023, pending on the file of the second respondent police and apprehending arrest, the petitioner has filed the present petition.

4. 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.

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 III Additional District and Sessions Judge, Madurai to consider the petitioners' bail application, preferably on the



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same day of their surrender in connection with Crime No.20 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.

6. 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.

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

01.02.2023

NCC :Yes/No
Index:Yes / No
Internet:Yes / No
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To

- 1.The III Additional District and Sessions Judge,
Madurai.
2. The Deputy Superintendent Of Police,
Melur, Madurai District
3. The Inspector of Police,
Kottampatti Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.1971 of 2023

Dated: 01.02.2023