



Crl.O.P.(MD)No.2026 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2026 of 2023

1.Dinesh @ Dineshkumar

2.Nalini

3.Revathi

... Petitioners

Vs.

State rep.by

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur District.

2The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.42 of 2023)

3.Laxmipriya

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to accept the surrender of the petitioners before the Special Court for SC/ST Atrocities Act i.e., the I Additional District and Sessions Judge at Thanjavur, in connection with Crime



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No.42 of 2023 on the file of the second respondent police and to consider the bail application filed by the petitioners on the same day.

For Petitioners : Mr.K.M.Karunakaran,

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

: Mr.R.Sakthivel, for R3.

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to direct the Special Court for SC/ST Atrocities Act i.e., the I Additional District and Sessions Judge at Thanjavur, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.42 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), 427, 506(ii) IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.42 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the State and Mr.R.Sakthivel, learned counsel appearing for the third respondent and also 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 Special Court for SC/ST Atrocities Act i.e., the I Additional District and Sessions Judge at Thanjavur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.42 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.



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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 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. The learned counsel appearing for the third respondent would submit that the accused have caused serious damages to the house hold articles of the defacto complainant.

7. The learned Government Advocate (Criminal Side) would submit that this matter relates to love affair and the petitioners are not having any previous case. The third respondent is at liberty to file his objections before the concerned Court. The learned trial Judge is also directed to take note of the above aspects and also the objections raised by the third respondent, while passing orders.



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

02.02.2023

NCC : Yes /No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Special Court for SC/ST Atrocities Act
i.e., the I Additional District and Sessions Judge,
at Thanjavur.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Vallam Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.2026 of 2023

Dated: 02.02.2023