



Crl.O.P.(MD)No.2283 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2283 of 2023

1. Kumaresan,
2. Chinnakarthi @ Karthik,

: Petitioners

Vs

1. The Deputy Superintendent Of Police,
Oomachikulam Sub Division,
Madurai District

2. The State rep by
The Inspector of Police,
Appanthirupathi Police Station,
Appanthirupathi, Madurai District.
Crime No.138 of 2022

3. Renukadevi,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Additional District Judge No.III for PCR Cases, Madurai to consider the bail application of the Petitioners herein on the same day of surrender pertaining to the Crime No.138 of 2022 on the file of the Respondent Police Station.



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For Petitioners : Mr.K.Selvam
For R1 & R2 : Mr.S.S.Madhavan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Additional District Judge No.III for PCR Cases, Madurai to consider the bail application of the Petitioners herein on the same day of surrender pertaining to the Crime No.138 of 2022 on the file of the Respondent Police Station.

2. The petitioners are the accused for the offence punishable under Sections 147, 148, 448, 323, 324 IPC 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.138 of 2022, pending on the file of the respondent police and apprehending arrest, the petitioner has filed the present petition.

3. Heard the learned counsel appearing for the petitioners, the



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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 Additional District Judge No.III for PCR Cases, Madurai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.138 of 2022 on the file of the 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 bail petition shall look into the gravity of the offence, previous antecedents of the petitioners and pass orders. Mere direction issued by



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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.

06.02.2023

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



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To

- 1.The III Additional District Judge for (PCR Cases),
Madurai.
2. The Deputy Superintendent Of Police,
Oomachikulam Sub Division,
Madurai District
3. The Inspector of Police,
Appanthirupathi Police Station,
Appanthirupathi, 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.2283 of 2023

Dated: 06.02.2023