



Crl.O.P.(MD)No.2479 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2479 of 2023

1.Ramasamy

2.Marimuthu

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Virudhunagar Division,
Virudhunagar District.

2.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
(Crime No.13 of 2023)

3.Mariammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Srivilliputhur to accept the surrender of the petitioners and consider their bail application on the same day in connection with Crime No.13 of 2023 pending on the file of the second respondent police.



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For Petitioners : Mr.A.Balaji

For R1 & R2 : Mr.SS.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 District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Srivilliputhur, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.13 of 2023 on the file of the second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 147, 148, 294(b), 354, 323, 427 and 506(2) IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Sections 3(l)(r), 3(l)(s) and 3(l)(w)(i) of SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.13 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 respondents 1 and 2 and perused the materials available on record.

4. The learned counsel appearing for the petitioners would submit that the accused 2, 3 and 4 were already arrested and released on bail by the lower Court.

5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the first petitioner is having one previous case for the offence under Section 304A IPC and the second petitioner is not having any previous case.

6. 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 District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Srivilliputhur, to consider the petitioners' bail application,



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preferably on the same day of their surrender in connection with Crime No.13 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.

7. At the time of passing orders, the learned District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Srivilliputhur, is directed to take note of the first petitioner's previous case also.

8. 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.



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

08.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The District and Sessions Judge
(Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Srivilliputhur.
- 2.The Deputy Superintendent of Police,
Virudhunagar Division,
Virudhunagar District.
- 3.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.2479 of 2023

Dated: 08.02.2023