



Crl.O.P.(MD)No.2685 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2685 of 2023

1.Malarkodi

2.Murugan

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Vedasanthur (Taluk),
Dindigul District.

2.The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
(Crime No.30 of 2023)

3.Veerasinnu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the District Sessions Court (PCR) Dindigul District to consider the bail application to be filed by the petitioners on the same day of their surrender in connection with Crime No.30 of 2023 on the file of the second respondent.



Crl.O.P.(MD)No.2685 of 2023

For Petitioners : Mr.M.Vigneshkumar,

For R1 & R2 : Mr.SS.Madhavan,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to direct the District Sessions Court (PCR) Dindigul District to consider the bail application to be filed by the petitioners on the same day of their surrender in connection with Crime No.30 of 2023 on the file of the second respondent.

2. The petitioners are accused for the offences punishable under Sections 294(b), 448 and 506(i) IPC and Sections 3(l)(r), 3(l)(s) of SC/ST (POA) Amendment Act, 2015 in Crime No.30 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.



Crl.O.P.(MD)No.2685 of 2023

WEB COPY

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 District Sessions Court (PCR) Dindigul District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.30 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.

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.



Crl.O.P.(MD)No.2685 of 2023

WEB COPY

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

10.02.2023

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

To

- 1.The District Sessions Judge, (PCR),
Dindigul District.
- 2.The Deputy Superintendent of Police,
Vedasanthur (Taluk),
Dindigul District.
- 3.The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.2685 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.2685 of 2023

Dated: 10.02.2023