



CrI.O.P.(MD)No.2635 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

CrI.O.P.(MD)No.2635 of 2023

1.Jeeva  
2.Ayyappan  
3.Balamurugan  
4.Prem

... Petitioners

Vs.

1.The Deputy Superintendent of Police,  
Thiruvidaimaruthur,  
Thanjavur District.

2.The Inspector of Police,  
Thiruvidaimaruthur Police Station,  
Thanjavur District.  
(Crime No.26 of 2023)

3.Suriya

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the I Additional Sessions Judge (PCR Court), Thanjavur to consider the petitioners' bail application in Crime No.26 of 2023 on the file of the second respondent Police on the same day of their surrender.

For Petitioners : Mr.C.Suresh Kannan



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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 I Additional Sessions Judge (PCR Court), Thanjavur to consider the petitioners' bail application in Crime No.26 of 2023 on the file of the second respondent Police on the same day of their surrender.

2.The petitioners are the accused for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(2) IPC altered into Sections 147, 148, 294(b), 323, 324, 506(2) IPC and Sections 3(1)(r), 3(1)(s), 3(2) (va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.26 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 Government Advocate (Criminal Side) appearing for the first and second respondents and perused the materials available on record.



4.The learned Government Advocate (Criminal Side) appearing for the first and second respondents would submit that the petitioners are not having one previous case.

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 I Additional Sessions Judge (PCR Court), Thanjavur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.26 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



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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.

**09.02.2023**

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|----------|---|----------|
| NCC      | : | Yes / No |
| Index    | : | Yes / No |
| Internet | : | Yes / No |
| gns      |   |          |



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- 1.I Additional Sessions Judge (PCR Court),  
Thanjavur.
- 2.1.The Deputy Superintendent of Police,  
Thiruvidadaimaruthur,  
Thanjavur District.
- 3.The Inspector of Police,  
Thiruvidadaimaruthur Police Station,  
Thanjavur District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

gns

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