



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

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WEB COPY

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2900 of 2023

1.Kalaiiventhan

2.Ilayaraja

... Petitioners/Accused Nos. 1 & 2

Vs.

1. The Deputy Superintendent of Police,
Thiruvarur, Thiruvarur District.

2. The Inspector of Police,
Koradacheri Police Station,
Thiruvarur District.
(Crime No.178 of 2022)

...Respondents 1 & 2/ Complainants

3.Kamaraj

... Respondent No.3/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned I Additional District and Sessions Judge (PCR Court), Thanjavur to accept the surrender of the petitioners and to consider the bail application to be filed by the petitioners on the same day in Crime No.178 of 2022 on the file of the second respondent Police.

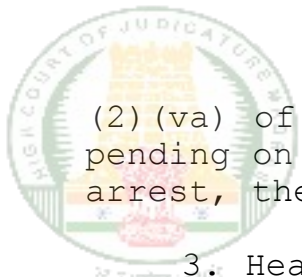
For Petitioners : Mr.T.A.Ebenezer

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 learned I Additional District and Sessions Judge (PCR Court), Thanjavur, to accept the surrender of the petitioners and to consider the bail application to be filed by the petitioners on the same day in Crime No.178 of 2022 on the file of the second respondent Police.

2. The petitioners are accused for the offences punishable under Sections 294(b), 323, 324 IPC and Sections 3(1)(r), 3(1)(s), 3



(2)(va) of SC/ST (POA) Amendment Act, 2015 in Crime No.178 of 2022, 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 State 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 I Additional District and Sessions Judge (PCR Court), Thanjavur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.178 of 2022 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.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

das

To

1.The I Additional District and Sessions Judge
(PCR Court), Thanjavur.

2.The Deputy Superintendent of Police,
Thiruvarur, Thiruvarur District.



Crl.O.P.(MD)



23

3.The Inspector of Police,
Koradacheri Police Station,
Thiruvarur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-8857[F] dated 16/02/2023)

Order made in
Crl.O.P. (MD) No.2900 of 2023

Dated: 15.02.2023

PKP/23.02.2023/3P/6C