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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2955 of 2023

1.Arumugam

2.Murugan @ Duraimurugan

3.Selvam ... Petitioners/Accused Nos.1 to 3

Vs.

1.State rep.by
The Deputy Superintendent of Police,
Vedasanthur, Dindigul District.

2.The Inspector of Police,
Eriodu Police Station,
Dindigul District.
(Crime No.34 of 2023) ...1 & 2 Respondents/Complainants

3.Parvathi ... 3rd Respondent/ Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Sessions Judge for PCR Cases, Dindigul to consider the bail application to be filed by the petitioners in Crime No.34 of 2023 pending investigation on the file of the Deputy Superintendent of Police, Vedasanthur on the same day of their surrender.

For Petitioners : Mr.D.Venkatachalam

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 Special Sessions Judge for PCR Cases, Dindigul, to consider the bail application to be filed by the petitioners in Crime No.34 of 2023 pending investigation on the file of the Deputy Superintendent of Police, Vedasanthur on the same day of their surrender.

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2. The petitioners are accused for the offences p le under Sections 294(b), 323, 506(i) IPC and Sections 3(l)(r), 3(l)(s) of SC/ST (POA) Amendment Act, in Crime No.34 of 2023, pending on the file of the 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 Special Sessions Judge for PCR Cases, Dindigul, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.34 of 2023 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 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 (CSI)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

das

To

1.The Special Sessions Judge for PCR Cases,
Dindigul.

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2.The Deputy Superintendent of Police,
Vedasanthur, Dindigul District.

3.The Inspector of Police,
Eriodu Police Station,
Dindigul District.

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

+1 CC to M/s.D.VENKATACHALAM, Advocate (SR-8797[F] dated 16/02/2023)

Order made in
Crl.O.P.(MD)No.2955 of 2023
Dated: 15.02.2023

PKP/23.02.2023/3P/6C

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