



Crl.O.P.(MD)No.3405 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.3405 of 2023

Sri Harish

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur.

2.The Inspector of Police,
Vallam Police Station,
Thanjavur.

3.Aswinkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Special Court for Exclusive Trial of SC and ST Cases, Thanjavur District to consider the bail application for the petitioner on the same day in the event of surrender by the petitioner and seek bail in crime No.78 of 2023 on the file of the second respondent.

For Petitioner : Mr.B.Vinothkumar



Crl.O.P.(MD)No.3405 of 2023

For R1 & R2

: Mr.R.Sivakumar

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Sessions Judge, Special Court for Exclusive Trial of SC and ST Cases, Thanjavur District to consider the bail application for the petitioner on the same day in the event of surrender by the petitioner and seek bail in crime No.78 of 2023 on the file of the second respondent.

2.The petitioner is the accused for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 506(2) IPC r/w Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.78 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



Crl.O.P.(MD)No.3405 of 2023

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3.Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.

4.The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioner is not having any previous cases.

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 Sessions Judge, Special Court for Exclusive Trial of SC and ST Cases, Thanjavur District, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.78 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,



CrI.O.P.(MD)No.3405 of 2023

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 the petitioner 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.

02.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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CrI.O.P.(MD)No.3405 of 2023

To

- 1.The Sessions Judge, Special Court for Exclusive Trial of SC and ST Cases, Thanjavur District
- 2.The Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur.
- 3.The Inspector of Police,
Vallam Police Station,
Thanjavur.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.3405 of 2023

K.MURALI SHANKAR,J.

gns

CrI.O.P.(MD)No.3405 of 2023

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