



Crl.O.P.(MD)No.3407 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.3407 of 2023

S.Thangarasu

... Petitioner

Vs.

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

2.The Inspector of Police,
Vallam Police Station,
Vallam, Thanjavur District.
(Crime No.78 of 2023)

3.Aswin Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned 1st Additional District and Sessions Judge (PCR), Special Court for SC/ST (POA)Act, Thanjavur to consider the bail application of the petitioner on the same day of his surrender in crime No.78 of 2023 on the file of the 1st and 2nd respondents police.

For Petitioner : Mr.N.Pragalathan



Crl.O.P.(MD)No.3407 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 1st Additional District and Sessions Judge (PCR), Special Court for SC/ST (POA)Act, Thanjavur to consider the bail application of the petitioner on the same day of his surrender in crime No.78 of 2023 on the file of the 1st and 2nd respondents police.

2.The petitioner is the accused for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 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.3407 of 2023

WEB COPY

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 1st Additional District and Sessions Judge (PCR), Special Court for SC/ST (POA) Act, Thanjavur, 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



CrI.O.P.(MD)No.3407 of 2023

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 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
gns



CrI.O.P.(MD)No.3407 of 2023

WEB COPY

To

- 1.The 1st Additional District and Sessions Judge (PCR), Special Court for SC/ST (POA)Act, Thanjavur
- 2.The Deputy Superintendent of Police,
Vallam Sub-Division,
Vallam, Thanjavur District.
- 3.The Inspector of Police,
Vallam Police Station,
Vallam, Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.3407 of 2023

K.MURALI SHANKAR,J.

gns

Crl.O.P.(MD)No.3407 of 2023

02.03.2023