



Crl.O.P.(MD)No.3474 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3474 of 2023

1. Sundharaj

2. Bharathiraja@ Barathi

3. Prabu

... Petitioners/Accused Nos.1 to 3

Vs.

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

2.The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
(Crime No.62 of 2023).

... Respondents 1 and 2 / Complainants

3. P.Thavamani

... Respondent No.3/Defacto
Complainant (Victim)

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Principal Sessions Judge cum Special Court for PCR Act Cases, Sivagangai to consider the bail application of the petitioners on the same day on their surrender in connection with crime No.62 of 2023 on the file of the second



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respondent.

For Petitioners : Mr. Samidurai.K
For R1 & R2 : Mr.R.Suresh Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Principal Sessions Judge cum Special Court for PCR Act Cases, Sivagangai to consider the bail application of the petitioners on the same day on their surrender in connection with crime No.62 of 2023 on the file of the second respondent.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 448, 324, 323 and 506(ii) IPC and Sections 3(l)(r) and 3(l)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 in Crime No.62 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioners, 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 petitioners are not having any previous cases and injured has been discharged from the hospital.

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 Principal Sessions Judge cum Special Court for PCR Act Cases, Sivagangai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.62 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 15A(3) of the SC/ST Act. The petitioners shall surrender before the concerned jurisdictional Court,



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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 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.

08.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Indu



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To

- 1.The III Additional District and Sessions Judge (PCR Cases),
Madurai.
- 2.The Deputy Superintendent of Police,
Peraiyur,
Madurai District.
- 3.The Inspector of Police,
Sedapatty Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J.

Indu

Order made in
Crl.O.P.(MD)No.3474 of 2023

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