



Crl.O.P.(MD)No.3562 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3562 of 2023

Balasubramanian.R

... Petitioner/Accused

1.State, through

The Assistant Commissioner of Police,
Palayamkottai Sub Division,
Tirunelveli District.

2. The Inspector of Police,

Palayamkottai Police Station,
Tirunelveli District.

(Crime No.74 of 2023)

...Respondents 1 and 2/Complainants

3. Dharma

...3rd Respondent/ Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned II Additional Sessions Court (PCR Court), Tirunelveli, to consider the petitioner's bail application on the same day of surrender in crime No.74 of 2023 dated 06.02.2023 on the file of the 2nd respondent police.

For Petitioner : Mr. Pradeep.T

For R1 & R2 : Mr.R.Sureshkumar
Government Advocate (Crl. Side)



Cr.L.O.P.(MD)No.3562 of 2023

ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned II Additional Sessions Court (PCR Court), Tirunelveli, to consider the petitioner's bail application on the same day of surrender in crime no.74 of 2023 dated 06.02.2023 on the file of the 2nd respondent Police.

2. The petitioner is the accused for the offences punishable under Sections 147, 341, 294(b), 324 and 506(ii) of IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.74 of 2023 dated 06.02.2023, 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 petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.



Cr.L.O.P.(MD)No.3562 of 2023

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the injured has been discharged from the hospital and 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 II Additional Sessions Court (PCR Court), Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.74 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 petitioner 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.

6. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous



Cr.L.O.P.(MD)No.3562 of 2023

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.

09.03.2023

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
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CrI.O.P.(MD)No.3562 of 2023

To

1. The learned II Additional Sessions Court
(PCR Court), Tirunelveli
2. The Assistant Commissioner of Police,
Palayamkottai Sub Division,
Tirunelveli District.
3. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.3562 of 2023

G.ILANGOVAN,J.

Indu

Order made in
CrI.O.P.(MD)No.3562 of 2023

Dated: 09.03.2023