



CrI.O.P.(MD)No.3967 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.3967 of 2023

Prabhu

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur,
Madurai District.

2. State through the Inspector of Police,
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
Crime No.50/2023.

3. Panneer Selvam

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Special Court / III Additional District and Sessions Court under the SC/ST Act, PCR Court, Madurai to consider the bail application of the petitioner on the same day of his surrender in Crime No. 50 of 2023 pending investigation on the file of the first respondent Police.



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CrI.O.P.(MD)No.3967 of 2023

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

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the Special Court / III Additional District and Sessions Court under the SC/ST Act, PCR Court, Madurai to consider the bail application of the petitioner on the same day of his surrender in Crime No. 50 of 2023 pending investigation on the file of the first respondent Police.

2. The petitioner is the accused for the offences punishable under Sections 294(b), 323, 427, 353, 506(i) of IPC, 4 of TNPWH Act and 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.50 of 2023 dated 18.02.2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



CrI.O.P.(MD)No.3967 of 2023

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 Special Court / III Additional District and Sessions Court under the SC/ST Act, PCR Court, Madurai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.50 of 2023 on the file of the second respondent police and the while considering the bail application, concerned Special Court may take into account of the alleged damage as mentioned in the First Information Report and pass appropriate orders, in



CrI.O.P.(MD)No.3967 of 2023

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 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.

08.03.2023

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



CrI.O.P.(MD)No.3967 of 2023

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To

1. The Special Court / III Additional District
and Sessions Court under the SC/ST Act,
PCR Court, Madurai
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur,
Madurai District.
3. The Inspector of Police,
Melavalavu Police Station,
Madurai District.
Crime No.50/2023.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.3967 of 2023

G.ILANGO VAN,J.

Indu

Order made in
CrI.O.P.(MD)No.3967 of 2023

Dated: 08.03.2023