



Crl.O.P.(MD)No.3814 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.3814 of 2023

Sanjay

... Petitioner/
Accused No.1

Vs.

1.The Deputy Superintendent of Police,
Papanasam Division,
Thanjavur District.

2.The Inspector of Police,
Melatur Police Station,
Thanjavur District.
(Crime No.45 of 2023)

...Respondents 1&2/
Complainants

3.Santhosh

... 3rd Respondent/
Defacto
Complainant

4.Pushpavalli

... 4th Respondent/
Victim

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 1st Additional District and Sessions Judge (PCR) Court, Thanjavur to consider the bail application to be filed by the petitioner on the same day on his surrender in

1/6



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connection with Crime No.45 of 2023 on the file of the second respondent.

For Petitioner : Mr.A.Arun Prasad

For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the 1st Additional District and Sessions Judge (PCR) Court, Thanjavur to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.45 of 2023 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 336, 323 and 506(2) IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.45 of 2023, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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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 having one previous case in the year 2018 for the offence under the SC/ST Act and he was a juvenile at that time.

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) Court, Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.45 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 petitioner shall



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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. At the time of passing orders, the learned 1st Additional District and Sessions Judge (PCR) Court, Thanjavur, is directed to take note of the petitioner's previous case also.

7. 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.

8. With the above direction, this Criminal Original Petition stands allowed.

01.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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To

- 1.The 1st Additional District and Sessions Judge (PCR) Court,
Thanjavur.
- 2.The Deputy Superintendent of Police,
Papanasam Division,
Thanjavur District.
- 3.The Inspector of Police,
Melatur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.3814 of 2023

Dated: 01.03.2023