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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.3837 of 2023

1.Vanaraja

2.Samuthira ... Petitioners

Vs.

1.State represented through
The Deputy Superintendent of Police,
Usilampatti Taluk,
Madurai District.

2.The Inspector of Police,
Checkanurani Police Station,
Madurai District.
(Crime No.82 of 2023)

3.Paraman ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Additional District Court No.III for PCR Act Cases, Madurai to consider the bail application of the petitioners on the same day of surrender in Crime No.82 of 2023 on the file of the second respondent.

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For Petitioners : Mr.C.Susi Kumar

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 learned Additional District Court No.III for PCR Act Cases, Madurai to consider the bail application of the petitioners on the same day of surrender in Crime No.82 of 2023 on the file of the second respondent.

2.The petitioners are the accused for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC, 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 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.82 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.

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 Additional District Court No.III for PCR Act Cases, Madurai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.82 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 jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

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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.

28.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Additional District Court No.III for PCR Act Cases,
Madurai.

2.The Deputy Superintendent of Police,
Usilampatti Taluk,
Madurai District.

3.The Inspector of Police,
Checkanurani Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

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