



Crl.O.P.(MD)No.3911 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.3911 of 2023

1.Siva @ cable Siva

2.Prabakaran

3.Krishnapriya

... Petitioners

Vs.

1.State through the Deputy Superintendent of Police,
Vedasanthur Sub Division,
Dindigul District.

2.State through the Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.73 of 2023.

3.P.Gopal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned District and Sessions Judge (Special case Court for PCR), Dindigul District, to accept the surrender of the petitioners/rank not known and consider their bail application on the same day in connection with Crime No.73 of 2022 on the file of the second respondent Police.

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For Petitioners : Mr.M.Vivek Bharathi,
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 District and Sessions Judge (Special case Court for PCR), Dindigul District, to accept the surrender of the petitioners/rank not known and consider their bail application on the same day in connection with Crime No.73 of 2022 on the file of the second respondent Police.

2. The petitioners are accused for the offences punishable under Sections 294(b), 506(i) IPC r/w 3(1)(r), 3(1)(s) of SC/ST (POA) Act, in Crime No.73 of 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 petitioners, the learned Government Advocate (Criminal Side) appearing for the State and perused the materials available on record.



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4. 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 District and Sessions Judge (Special case Court for PCR), Dindigul District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.73 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.

5. 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.



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WEB COPY 6. With the above direction, this Criminal Original Petition stands allowed.

01.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The District and Sessions Judge
(Special case Court for PCR),
Dindigul District.
- 2.The Deputy Superintendent of Police,
Vedasanthur Sub Division,
Dindigul District.
- 3.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.3911 of 2023

Dated: 01.03.2023