



Crl.O.P.(MD)No.4012 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4012 of 2023

Venkatesh @ Vengkatesan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District.

2.State Rep. by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

3.Ramesh Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned I Additional District and Sessions Court for PCR Act Cases, Thanjavur to consider the bail application of the petitioner on the same day in the event of his surrender in connection with Crime No.136 of 2023 on the file of the second respondent police.

For Petitioner
For R1 & R2

: Mr.C.S.Saravanan
: Mr.R.Suresh Kumar
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the I Additional District and Sessions Court for PCR Act Cases, Thanjavur, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.136 of 2023 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Section 341, 294(b), 324 IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of Scheduled Case and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.136 of 2023, pending on the file of the second respondent police and apprehending arrest, he has 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.



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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 and the injured has been discharged from the hospital. He further submitted that the first accused has already been arrested and thereafter, released on bail.

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 I Additional District and Sessions Court for PCR Act Cases, Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.136 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.



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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 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.

14.03.2023

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

1. I Additional District and Sessions Court for PCR Act Cases,
Thanjavur.
2. The Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District.
3. The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

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Order made in
Crl.O.P.(MD)No.4012 of 2023

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