



Crl.O.P.(MD)No.4173 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4173 of 2023

Subhash

... Petitioner/4th Accused

Vs.

1. State, represented by

The Deputy Superintendent of Police,

Oddanchatram Division,

Dindigul District.

...1st Respondent/Investigating Officer

2. The Inspector of Police,

Kallimandiyam Police Station,

Dindigul District.

...2nd Respondent/Complainant

3. Karuppuchamy

...3rd Respondent/ Defacto

Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Principal District and Sessions Judge, (Special Court for PCR Cases), Dindigul, to consider her bail application on the same day of her surrender in respect of Crime No.115 of 2022 on the file of second respondent, pending investigation.

For Petitioner

: Mr. Venkatesh D

For R1 & R2

: Mr.R.Sureshkumar

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 learned Principal District and Sessions Judge, (Special Court for PCR Cases), Dindigul, to consider her bail application on the same day of her surrender in respect of Crime No. 115 of 2022 on the file of second respondent, pending investigation.

2. The petitioner is the accused for the offences punishable under Sections 294(b), 323, 506(i) of IPC and 92(a) of Rights of Persons With Disabilities Act, 2016 @ 294(b), 323, 506(i) of IPC, 92(a) of RPDA Act r/w. 3(2)(va) of SC/ST (PoA) Act, 1989 in Crime No.115 of 2022 dated 23.06.2022, 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 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.

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 Principal District and Sessions Judge, (Special Court for PCR Cases), Dindigul, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.115 of 2022 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.

6. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous



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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.

07.03.2023

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

1. The Principal District and Sessions Court,
(Special Court for PCR Cases), Dindigul
2. The Deputy Superintendent of Police,
Oddanchatram Division,
Dindigul District.
3. The Inspector of Police,
Kallimandiyam Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
CrI.O.P.(MD)No.4173 of 2023

Dated: 07.03.2023