



Crl.O.P.(MD)No.4359 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.4359 of 2023

Ganesamoorthy
(Mentioned as Moorthi in FIR)

... Petitioner/2nd Accused

Vs.

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

2. The State of Tamil Nadu, represented by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No. 954/2022)

...1st and 2nd Respondents/Complainants

3. Manikandan

...3rd Respondent/ Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court under PCR Act conferred on the learned I Additional District Court (PCR) at Thanjavur, to liberally consider the bail applications filed by the petitioner on the same day concerned in Crime No. 954/2022 on the file of the second respondent.



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For Petitioner : Mr.Narayanan R

For R1 & R2 : Mr.R.Sureshkumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Special Court under PCR Act Cases conferred on the learned I Additional District Court (PCR) at Thanjavur, to liberally consider the bail applications filed by the petitioner on the same day concerned in Crime No. 954/2022 on the file of the second respondent.

2. The petitioner is the accused for the offences punishable under Sections 294(b), 324, 506(ii) of IPC and 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (PoA) Act, 1989 in Crime No.954 of 2022 dated 18.10.2022, 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 Special Court under PCR Act Cases conferred on the learned I Additional District Court (PCR) at Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.954 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.



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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.

07.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Indu



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To

1. The I Additional District Court (PCR),
Thanjavur.
2. The Deputy Superintendent of Police,
Papanasam Division, Thanjavur District.
2. The Inspector of Police,
Kabisthalam Police Station,
Thanjavur 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.4359 of 2023

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