



Crl.O.P.(MD)No.4364 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.4364 of 2023

1. Karunai Mani
2. Rameshkannan
3. Pugazhendhi @ Vignesh
4. Balamurugan
5. Sugenth
6. Rajaguru
7. Rajasankar ... Petitioners/Accused No.1 to 7

Vs.

- 1.The Deputy Superintendent of Police,
DSP Office, Thiruvaiyaru Saragam,
Thanjavur-613 402.
2. State, represented by
The Inspector of Police,
Sengipatti Police Station,
Thanjavur 613 402.
Crime No.63 of 2023. ...Respondents 1 and 2/Complainants
3. Selvamani ... 3rd Respondent/Defacto
complainant



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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to accept the surrender of the petitioners before the Special Court for SC / ST (Prevention of Atrocities) Act i.e the First Additional District and Sessions Judge at Thanjavur, in connection with the Crime No.63 of 2023 on the file of the second respondent Police and to consider the bail application filed by the petitioners on the same day.

For Petitioners : Mr. Rajarajan.M

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 accept the surrender of the petitioners before the Special Court for SC / ST (Prevention of Atrocities) Act i.e the First Additional District and Sessions Judge at Thanjavur, in connection with the Crime No.63 of 2023 on the file of the second respondent Police and to consider the bail application filed by the petitioners on the same day.



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2. The petitioners are the accused for the offences punishable under Sections 147, 148, 341, 294(b), 324, 355 and 506(ii) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.63 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 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 A1 Karunaimani, A3 Pugazhenthir, A4 Balamurugan and A6 Rajaguru are having previous cases which are similar in nature and so far as A5 namely Sugenth is concerned, he is involved in some other IPC offences.

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



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intention of the Parliament against innocent persons, there shall be a direction to the learned I Additional District and Sessions Judge at Thanjavur, to consider the 2nd, 5th and 7th petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.63 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 2nd, 5th and 7th 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.

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 2nd, 5th and 7th 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 in respect of 2nd, 5th and 7th petitioners and so far as the other



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petitioners namely 1st, 3rd, 4th and 6th petitioners are concerned, this

Criminal Original Petition stands dismissed.

07.03.2023

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



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G.ILANGO VAN,J.

Indu

To

- 1.The I Additional District and Sessions Judge,
Thanjavur
- 2.The Deputy Superintendent of Police,
DSP Office, Thiruvaiyaru Saragam,
Thanjavur-613 402.
2. State, represented by
The Inspector of Police,
Sengipatti Police Station,
Thanjavur 613 402.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.4364 of 2023

Dated: 07.03.2023