



Crl.O.P.(MD)No.4479 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4479 of 2023

Chandrasekar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Peraiyur Range,
Madurai District.

2.The Inspector of Police,
Saptur Police Station,
Madurai District.

3.Vidhya

4.Somu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned III-Additional District & Sessions Court (PCR Cases), Madurai concerned in Crime No.18 of 2023 on the file of the 2nd respondent police and pass orders in accordance with law on the same day on their surrender if any petition filed by the petitioner.



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For Petitioner
For R1 & R2

: Mr.K.Sivabalan
: Mr.S.Manikandan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned III-Additional District & Sessions Court (PCR Cases), Madurai, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.18 of 2023 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 427, 506(i) of IPC and Sections 3(l)(r), 3(l)(s) and 3(2) (va) of SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.18 of 2023, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3.The learned counsel for the petitioner submitted that the petitioner's name is not found in the FIR and based on the confession statement of the co-accused, this petitioner was implicated in this case.



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4. 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.

5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioner is having one previous case, which are not similar in nature.

6. 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 III-Additional District & Sessions Court (PCR Cases), Madurai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.18 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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7. 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.

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

09.03.2023

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

1. III-Additional District & Sessions Court (PCR Cases), Madurai
2. The Deputy Superintendent of Police,
Peraiyur Range,
Madurai District.
3. The Inspector of Police,
Saptur Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J

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Order made in
CrI.O.P.(MD)No.4479 of 2023

Dated: 09.03.2023