

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.4697 of 2023

1. Logu @ Logaraj

2. Sutha ... Petitioners/Accused Nos.1 & 2

Vs.

1. The Deputy Superintendent of Police,
Usilampatti, Madurai District.

2. The State, represented by
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Crime No.36/2023) ...Respondents 1&2/Complainants

3. Alexpandi ... Respondent No.3/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to pass an order permitting the Petitioners to surrender and accept the bail application filed by the Petitioners before the Learned III Additional District Judge, PCR Cases, Madurai in connection with Crime No.36/2023 on the file of the second respondent and in the event of filing the same, the bail application may be directed to

be considered on the same day on merits and in accordance with law forthwith.

For Petitioners : Mr. Muthukumar S

For R1 & R2 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to pass an order permitting the Petitioners to surrender and accept the bail application filed by the Petitioners before the learned III Additional District Judge, PCR Cases, Madurai, in connection with Crime No.36/2023 on the file of the second respondent and in the event of filing the same, the bail application may be directed to be considered on the same day on merits and in accordance with law forthwith.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 324, 323, 506(ii) IPC, 4 of TNPWH Act and Sections 3(l)(r), 3(l)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.36 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 Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the petitioners are not having any previous cases and injured has been discharged from the hospital.

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 III Additional District Judge, PCR Cases, Madurai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.36 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 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 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.

14.03.2023

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

To

- 1.The learned III Additional District Judge,
PCR Cases, Madurai
- 2.The Deputy Superintendent of Police,
Usilampatti, Madurai District.
3. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.4697 of 2023

G.ILANGOVAN,J.

Indu

Order made in
CrI.O.P.(MD)No.4697 of 2023

Dated: 14.03.2023