



Crl.O.P.(MD)No.5356 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5356 of 2023

L.Nagapushbam

... Petitioner / Accused No.1

Vs.

1.The State represented by

The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
(Crime No. 307 of 2022)

2.The Inspector of Police,

Sivagangai Taluk Police Station,
Sivagangai District.
(Crime No. 307 of 2022)

... Respondents 1 & 2/ Complainants

3.R.Shanthi

... 3rd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned district and Sessions Judge / PCR cases, Sivagangai District to consider the bail application of the petitioners on the same day on merits in the event of their surrender in connection with crime number 307 of 2022 on the file of the respondent.



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For Petitioner : Mr.M.S.Parthiban

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned District and Sessions Judge / PCR cases, Sivagangai District to consider the bail application of the petitioners on the same day on merits in the event of their surrender in connection with crime number 307 of 2022 on the file of the respondent.

2. The petitioner is the accused for the offences punishable under Sections 294(b), 323, 355, 341, 420 and 506(i) of IPC r/w. Sections 3(l)(r), 3(l)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.307 of 2022 dated 31.12.2022, 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 Additional Public Prosecutor appearing for the respondents 1



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and 2 and perused the materials available on record.

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4. The learned Additional Public Prosecutor 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 District and Sessions Judge / PCR cases, Sivagangai District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.307 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.

23.03.2023

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



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To

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- 1.The learned District and Sessions Judge / PCR cases,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
(Crime No. 307 of 2022)
- 3.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai 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.5356 of 2023

Dated: 23.03.2023