



CrI.O.P.(MD)No.5467 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

CrI.O.P.(MD)No.5467 of 2023

- 1.Thiyagarajan
- 2.Kannan @ Arul Kannan
- 3.Palanisamy
- 4.Ganesan
- 5.Suresh
- 6.Sharmila
- 7.Poorvisha

... Petitioners

Vs.

- 1.State through
The Deputy Superintendent of Police,
Samayanallur Division,
Madurai District.

- 2.The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(Crime No. 112/2023)

- 3.B. Guru,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to accept the surrender of the petitioners before the Learned 3rd Additional Sessions Court (Special Court for the exclusive trial for PCR cases), Madurai in connection with the Crime No. 112 of 2023 on the file of the 2nd respondent police and to consider the bail application filed by the petitioners on the same day.



WEB COPY



Crl.O.P.(MD)No.5467 of 2023

For Petitioner
For R1 and R2

: Mr.K. K. Samy
: Mr.B.Nambiselvan
Additional Public Prosecutor

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 Learned 3rd Additional Sessions Court (Special Court for the exclusive trial for PCR cases), Madurai in connection with the Crime No. 112 of 2023 on the file of the 2nd respondent police and to consider the bail application filed by the petitioners on the same day.

2. The petitioners are the accused for the offences punishable under Sections 147, 148, 294(b), 324, 323 and 506(2) and Sections 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST Prevention of Atrocities Amendment Act, 2015 in Crime No.112 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.



Crl.O.P.(MD)No.5467 of 2023

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 the 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 3rd Additional Sessions Court (Special Court for the exclusive trial for PCR cases), Madurai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.112 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.



Crl.O.P.(MD)No.5467 of 2023

WEB COPY

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

24.03.2023

Index : Yes/No
Internet: Yes/No
tta

To

1. Learned 3rd Additional Sessions Court (Special Court for the exclusive trial for PCR cases), Madurai
2. The Deputy Superintendent of Police,
Samayanallur Division,
Madurai District.
3. The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(Crime No. 112/2023)
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.5467 of 2023

G.ILANGO VAN, J.,

tta

Crl.O.P.(MD)No.5467 of 2023

24.03.2023