



Crl.O.P.(MD)No.5749 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5749 of 2023

Ramasamy

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Sankarankovil,
Tenkasi District.

2.The Inspector of police,
Chinnakovilankulam Police Station,
Tenkasi District.

3.Balamurugan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned 2nd Additional District and Sessions Judge(PCR Court), Tirunelveli to accept the surrender of the petitioner and consider her bail application on the same day on merit relating to crime No.40 of 2023, dated 16.03.2023.

For Petitioner
For R1 & R2

: Mr.Sathya Chidambaram
: Mr.R.Suresh Kumar
Government Advocate



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned 2nd Additional District and Sessions Judge(PCR Court), Tirunelveli to accept the surrender of the petitioner and consider her bail application on the same day on merit relating to crime No.40 of 2023, dated 16.03.2023.

2. The petitioner is an accused for the offences punishable under Sections 294(b), 323, 506(i), 379 of IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Castes & The Scheduled Tribes (Prevention of Atrocities) Act, in Crime No.40 of 2023, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate(Crl. Side) appearing for the respondents 1 and 2 and perused the materials available on record.



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4. The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 would submit that the petitioner is not having any previous .

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 2nd Additional District and Sessions Judge(PCR Court), Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.40 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.

6. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous



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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.

28.03.2023

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

1. 2nd Additional District and Sessions Judge(PCR Court),
Tirunelveli.

2.The Deputy Superintendent of Police,
Sankarankovil,
Tenkasi District.

3.The Inspector of police,
Chinnakovilankulam Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGO VAN,J

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Order made in
Crl.O.P.(MD)No.5749 of 2023

Dated: 28.03.2023