



Crl.O.P.(MD)No.6285 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.6285 of 2023

1.Devi
2.Dinesh @ Dineshkumar
3.Vengusamy @ Vengu ... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Manamadurai Division,
Sivagangai District.

2.State through the Inspector of Police,
Manamadurai Division,
Sivagangai District.
(in Cr.No.95/2023)

3.Ayyanar ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Third Additional Sessions Judge (Special Court for PCR cases) Court, Sivagangai to accept the surrender of the Petitioners and consider their bail application on the same day in connection with Crime No. 95 of 2023 on the file of the Respondent Police.



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Crl.O.P.(MD)No.6285 of 2023

For Petitioners : Mr.Guru.Muruganantham
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 direct the Third Additional Sessions Judge (Special Court for PCR cases) Court, Sivagangai to accept the surrender of the Petitioners and consider their bail application on the same day in connection with Crime No. 95 of 2023 on the file of the Respondent Police.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 324, 323 and 506(ii) and Sections 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 in Crime No. 95 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.6285 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 also submitted that it is a case in counter case.

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 Third Additional Sessions Judge (Special Court for PCR cases) Court, Sivagangai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.90 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



Crl.O.P.(MD)No.6285 of 2023

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.

05.04.2023

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

1. The Third Additional Sessions Judge (Special Court for PCR cases)
Court, Sivagangai
- 2.The Deputy Superintendent of Police,
Manamadurai Division,
Sivagangai District.
- 3.State through the Inspector of Police,
Manamadurai Division,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.6285 of 2023

G.ILANGO VAN,J

tta

Order made in
CrI.O.P.(MD)No.6285 of 2023

Dated: 05.04.2023