



*Crl.O.P.(MD)No.7835 of 2023*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2023**

CORAM

**THE HON'BLE MR.JUSTICE G.ILANGO VAN**

**Crl.O.P.(MD)No.7835 of 2023**

M.Suresh

... Petitioner

Vs.

1.The State rep. by

The Deputy Superintendent of Police,  
Alankulam, Tenkasi District.

2.The Inspector of police,

Surandai Police Station,  
Tenkasi District.

3.K.Rajasekar

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the II Additional District and Sessions Judge (PCR Cases), Tirunelveli, to consider the bail application on the surrender of the petitioner on the same day in connection with Crime No.38 of 2023, on the file of the respondent police.

For Petitioner : Mr.J.Jeyakumaran

For R1 & R2 : Mr.R.Suresh Kumar  
Government Advocate (Crl.Side)



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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 II Additional District and Sessions Judge (PCR Cases), Tirunelveli, to consider the bail application on the surrender of the petitioner on the same day in connection with Crime No.38 of 2023, on the file of the respondent police.

2. The petitioner is an accused for the offences punishable under Sections 147, 294(b), 323, 506(i) of I.P.C and Sections 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, in Crime No.38 of 2023, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. The learned counsel for the petitioner would submit that the earlier application is dismissed on the ground that the petitioner involved in previous cases. This is the second application on the ground that he had not involved in previous cases, similar in nature.



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4. The learned Additional Public Prosecutor would submit that the petitioner is facing the charges in Crime Nos.281 of 2020, 16 of 2019 and 131 of 2018 and seven petty cases are pending and he is also a history sheeted in H.S.No.84/2020.

5. A perusal of the records discloses that only some of the offences are petty offences and the petitioner is not involved in previous cases, similar in nature.

6. 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.

7. 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 II Additional District and Sessions Judge (PCR Cases),



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Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.38 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.

8. 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.

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

**28.06.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
Ls

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To  
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1. The II Additional District and Sessions Judge  
(PCR Cases), Tirunelveli.
2. The Deputy Superintendent of Police,  
Alankulam, Tenkasi District.
3. The Inspector of police,  
Surandai Police Station,  
Tenkasi District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.ILANGO VAN,J**

Ls

Order made in  
**CrI.O.P.(MD)No.7835 of 2023**

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