



Crl.O.P.(MD)No.9657 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.06.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.9657 of 2023

A.Vanumamalai

... Petitioner

Vs.

1.The State rep., by the
Deputy Superintendent of Police,
Nanguneri Division,
Tirunelveli District.

2.The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.

3.M.Nambirajan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the II Additional District & Sessions Judge(Special Court for PCR Cases), Tirunelveli to consider his bail application on the same day of this surrender in respect of Crime No.21 of 2023 on the file of the second respondent, pending investigation.



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For Petitioner : Mr.P.Rajesh
For R1 & R2 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., to direct the II Additional District & Sessions Judge(Special Court for PCR Cases), Tirunelveli, to consider his bail application on the same day of this surrender in respect of Crime No.21 of 2023 on the file of the second respondent, pending investigation.

2. The petitioner is an accused for the offences punishable under Sections 147, 148, 341, 294(b), 352, 427, 436 and 506(i) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) 1989, in Crime No.21 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 Additional Public Prosecutor appearing for the respondents 1 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 co-accused was arrested and thereafter, released on bail.

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 II Additional District & Sessions Judge(Special Court for PCR Cases), Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.21 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.



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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.

05.06.2023

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

1. The II Additional District & Sessions Judge(Special Court for PCR Cases), Tirunelveli.

2. Deputy Superintendent of Police,
Nanguneri Division,
Tirunelveli District.

3. The Inspector of Police,
Kalakadu Police Station,
Tirunelveli 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
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