



Crl.O.P.(MD)No.15655 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:12.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.15655 of 2023

Kowsalya

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Trichy District.

2. The Inspector of Police,
AWPS Police Station, Cantonment,
Trichy City. (Crime No. 21/2023)

3. Ramana

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned I Additional District Judge (PCR) Court, Trichirappalli to accept the surrender of the petitioner and consider their bail application on the same day on merits in relating to Crime No.21 of 2023 dated 31.07.2023.

For Petitioner : Mr.T.Navaneethakrishnan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
for R1 to R2

ORDER

This petition is filed by Accused No.6 in Crime No.21 of 2023 pending on the file of the first respondent police registered for the



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offences under Sections 376(1), 313, 294(b), 506(ii), 109 of IPC r/w.3(2)

(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities)

Act, 1989, for a direction to the I Additional District Judge (PCR) Court, Trichirappalli, to accept the surrender of the petitioner and to consider the bail application on the very same day on merits.

2. The facts in brief as per the record are that the defacto complainant has developed friendship with accused No.1 and both of them working in a private company in Trichy. Their friendship turned into love and both of them had sexual intercourse thereby the defacto complainant has become pregnant. The accused No.1 who promised to marry her ultimately had refused on the ground that the defacto complainant belongs to scheduled caste.

3. On a complaint given by the defacto complainant and case has been registered in Crime No.21 of 2023 against six persons. The petitioner herein is the sister of A1 according to her, she has been married and residing at Thittakudi along with her family. There are no allegations at all against the petitioner and that offence under Section



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376 of IPC cannot be fastened to the petitioner. It is submitted that the petitioner intend to surrender before the Court and file a bail application on which thereby a direction is sought for to the concerned Court to consider the bail application on the very same day.

4. Learned Government Advocate (Crl. Side) submits that since the petitioner is also one of the accused in the FIR registered for the offences under Sections 376(1), 313, 294(b), 506(ii), 109 of IPC r/w.3(2) (v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, the prayer as sought for cannot be considered.

5. There is a specific bar under SC/ST (PoA) Act from filing pre-arrest bail.

6. Considering the circumstances, the petitioner is at liberty to surrender before the I Additional District Judge (PCR Court), Tiruchirappalli, within a period of 15 days from the date of receipt of a copy of this order. If the petitioner surrender and file bail application, the learned I Additional District Judge is directed to dispose of the same as



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per law as expeditiously as possible preferably on the same day by giving notice to the prosecutor and on hearing both sides.

7. It is needless to state that merely because this direction is given to dispose of the application possibly on the very same day does not mean that the bail application shall be allowed. The learned I Additional District Judge is directed to consider and dispose of the same on hearing both sides on the basis of merits and as per law.

8. With the above direction, this petition is allowed.

12.09.2023

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
PKN		



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DR.D.NAGARJUN,J

PKN

To

1. The Deputy Superintendent of Police,
Trichy District.
2. The Inspector of Police,
AWPS Police Station, Cantonment,
Trichy City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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