



Crl.O.P.(MD)No.23127 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.23127 of 2022

1. Kamaraj,
2. Ragu @ Raguvaran,

: Petitioners

Vs

1. The Deputy Superintendent Of Police,
Periyakulam Taluk,
Theni District.

2. The Inspector of Police,
Devadanapatti Police Sttation
Periyakulam Taluk, Theni District.
Crime No.341/2022.

3. Selvakumar,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Principal District and Sessions Judge (PCR), Theni to accept the surrender of the petitioners and consider their bail application on the same day on merits with regard to the Crime No.341of 2022, dated 07.09.2022, on the file of the respondent police.



Crl.O.P.(MD)No.23127 of 2022

For Petitioners : Mr.S.Ayyanar Prem Kumar
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned Principal District and Sessions Judge (PCR), Theni to accept the surrender of the petitioners and consider their bail application on the same day on merits with regard to the Crime No.341 of 2022, on the file of the respondent police.

2. The petitioners are the accused for the offence punishable under Sections 147, 294(b), 323 and 379 IPC r/w Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.341 of 2022, pending on the file of the second respondent police and apprehending arrest, the petitioner has filed the present petition.

3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) appearing for the respondents 1



Crl.O.P.(MD)No.23127 of 2022

and 2 and perused the materials available on record.

WEB COPY

4. 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 learned Principal District and Sessions Judge (PCR), Theni, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.341 of 2022 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 15(a) 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.

5. 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 this Court to consider the bail petition on the same day, does not amount



Crl.O.P.(MD)No.23127 of 2022

to consider it favorably.

WEB COPY

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

02.01.2023

NCC :Yes/No
Index:Yes / No
Internet:Yes / No
lr

NOTE: Issue order copy on 03.01.2023



WEB COPY



Crl.O.P.(MD)No.23127 of 2022

To

1.The Principal District and Sessions Judge (PCR),
Theni.

2. The Deputy Superintendent Of Police,
Periyakulam Taluk,
Theni District.

3. The Inspector of Police,
Devadanapatti Police Sttation
Periyakulam Taluk, Theni District.

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



WEB COPY



Crl.O.P.(MD)No.23127 of 2022

K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.23127 of 2022

Dated: 02.01.2023