



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.23126 of 2022

1. Manickam,
2. Ammavathi,
3. Madakaruppu,
4. Periyasamy,
5. Valli @ Manickavallil,
6. Mokkalai,
7. Ilangan @ Mokkalai Ilangan : Petitioners/Accused 1 to 7

Vs

1. The State of Tamil Nadu represented by
The Deputy Superintendent Of Police,
Oomachikulam Range,
Othakadai, Madurai District

2. The Inspector of Police,
Othakadai Police Station, Madurai District.
Crime No.404 of 2022

: 1st and 2nd Respondent/Complainant

3. R.Pandi : 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned (*)**IIIrd Additional District Special and Sessions Court (PCR), Madurai** to consider the bail application of these Petitioners in Crime in FIR.No.404 of 2022 registered U/s.147, 148, 294(b), 506(i) of IPC r/w 3(1) Prevention of Damage to Public Property, r/w 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015, dated 20.12.2022, registered on the file of the second respondent police, on the same day.

For Petitioners : Mr.P.M.Vishnuvarthanan

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 (*)**IIIrd Additional District Special and Sessions Court (PCR), Madurai**, to consider the bail application of these Petitioners in Crime No.404 of 2022, on the same day.

2. The petitioners are the accused for the offence punishable under Sections 147, 148, 294(b), 506(i) of IPC r/w Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, r/w Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.404 of 2022, pending on the file of the second



respondent police and apprehending arrest, the petitioner 1 and 2 filed the present petition.

3. The learned Government Advocate (Crl.Side) would submit that the petitioners have caused damages to a house to the tune of Rs.2,00,000/-.

4. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 and perused the materials available on record.

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 learned **(*)IIIrd Additional District Special and Sessions Court (PCR), Madurai**, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.404 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.

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

7. The learned **(*)IIIrd Additional District Special and Sessions Court (PCR), Madurai**, is directed to take note of the damages alleged to have been caused by the petitioners to the tune of Rs.2,00,000/-.

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

Sd/-

Assistant Registrar (CS III)

(*)Amended as per the order of this Court dated 06.02.2023 made in Crl.M.P(MD)No.1935 of 2023 in Crl.O.P(MD).No.23126 of 2023

Sd/-

Assistant Registrar (CS III)

// True Copy //

/01/2023

Sub Assistant Registrar(CS)



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To

(*) To be substituted to the order already despatched on 12.01.2023

WEB COPY

1. The IIIrd Additional District Special and Sessions Court (PCR),
Madurai.

2. The Judicial Magistrate,
Melur.

3. The Deputy Superintendent Of Police,
Oomachikulam Range,
Othakadai,
Madurai District

4. The Inspector of Police,
Othakadai Police Station,
Madurai District.

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

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-268[F] dated
03/01/2023)

Crl.O.P. (MD) No.23126 of 2022

Dated: 02.01.2023

SS/11/01/2023/ 3P 7C

RD(15.02.2023) 3P 7C