



CrI.O.P.(MD) No.7747 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.05.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

CrI.O.P.(MD)No.7747 of 2024

Kanjivanam

...Petitioner/Accused No.4

Vs.

1.The Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

2.The State rep. by
The Inspector of Police,
Melur Police Station,
Madurai District.
In Crime No.40 of 2024.

...Respondents/Complainant

3.Manikandan

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to pass an order permitting the petitioner to surrender before the learned III Additional District Judge (Special Court for PCR Act Cases), Madurai in Crime No.40 of 2024 and file an application for the grant of bail on the same day and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.



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For Petitioner :Mr.M.Jegadeesh Pandian

For Respondent :Mr.A.Thiruvadi Kumar for R1 & R2
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned III Additional District Judge (Special Court for PCR Act Cases), Madurai, to accept the surrender of the petitioner and consider their bail applications on the same day on merits in relating to Crime No.40 of 2024, on the file of the first and second respondent police.

2. The petitioner is the accused for the offences punishable under Sections 147, 148, 294(b), 323, 324 506(ii) of IPC r/w Section 3(2)(va) of Schedule Caste and the Schedule Tribunal (Prevention of Atrocities) Act 1989, in Crime No.40 of 2024, pending on the file of the first and second respondent police and apprehending arrest, they have filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first and second respondents



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and perused the materials available on record.

4. The learned Additional Public Prosecutor appearing for the first and second respondents would submit that the injured has been discharged from the hospital.

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 learned III Additional District Judge (Special Court for PCR Act Cases), Madurai, to consider the petitioner's bail applications, preferably on the same day of their surrender in connection with Crime No.40 of 2024, on the file of the first and 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.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

23.05.2024

TM

To

1.The learned III Additional District Judge (Special Court for PCR Act Cases), Madurai.

2.The Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

3.The Inspector of Police,
Melur Police Station,
Madurai District.
In Crime No.40 of 2024.

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

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