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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.05.2024

CORAM

THE HONOURABLE MR. JUSTICE **P.VADAMALAI**

Crl.O.P.(MD)No.7117 of 2024

1.Jothivel @ Jothi
2.Arumugam ...Petitioners

Vs.

1.The Deputy Superintendent of Police,
Kumbakonam, Thanjavur District.

2.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.

3.Kumaran ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned District Additional and Sessions Judge (PCR Court), Vallam, Thanjavur to consider the bail application of the petitioners in Cr.No.151 of 2024 on the same date of surrender and dispose the same on its merits and in accordance with law.

For Petitioners : Mr.T.Eashwar
For Respondents : Mr.R.Suresh Kumar
Government Advocate (Crl.side)

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ORDER

This petition has been filed seeking for a direction to the learned District Additional and Sessions Judge (PCR Court), Vallam, Thanjavur, to consider and dispose of the petitioners' bail applications on the same day of their surrender in respect of Crime No.151 of 2024 on the file of the second respondent.

2.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 District Additional and Sessions Judge (PCR Court), Vallam, Thanjavur, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.151 of 2024 on the file of the second respondent 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

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surrender before the concerned jurisdictional Court within a period of fifteen days from the date of the receipt of a copy of this Order.

3.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 favourably.

4.With the above direction, the Criminal Original Petition stands disposed of.

15.05.2024

NCC : Yes/No
Index : Yes/No

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To

1.The District Additional and Sessions Judge (PCR Court),
Vallam, Thanjavur.

2.The Deputy Superintendent of Police,
Kumbakonam, Thanjavur District.

3.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.

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

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P.VADAMALAI, J.

cmr

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