



Crl.O.P.(MD)No.7627 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.05.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

Crl.O.P.(MD)No.7627 of 2024

Udhayakumar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thiruverambur,
Trichy District.

2.The Inspector of Police,
Thiruverambur Police Station,
Trichy District.
(Crime No.198/2024)

3.Balamurugan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the learned I Additional District & Sessions Court (PCR Cases), Trichy to consider the bail application of the petitioner concerned in Crime No.198 of 2024, on the file of the second respondent police and pass orders in accordance with law on the same day of his surrender if any petition filed by the petitioner.



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For Petitioner : Mr.V.Chandrapandi
For R1 & R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the learned I Additional District & Sessions Court (PCR Cases), Trichy, to accept the surrender of the petitioner and consider his bail application on the same day on merits relating to Crime No.198 of 2024, on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 341, 147, 148, 294(b), 323, 324 and 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Schedule Caste and the Schedule Tribunal (Prevention of Atrocities) Amendment Act 2015, in Crime No.198 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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3. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first and second respondents 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 I Additional District & Sessions Court (PCR Cases), Trichy, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.198 of 2024, 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 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.

22.05.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MR



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To

1.The learned I Additional District & Sessions Court (PCR Cases),
Trichy.

2.The Deputy Superintendent of Police,
Thiruverambur,
Trichy District.

3.The Inspector of Police,
Thiruverambur Police Station,
Trichy District.

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



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S.SRIMATHY,J.

MR

Order made in
Crl.O.P.(MD)No.7627 of 2024

Dated: 22.05.2024