



Crl.O.P.(MD) No.7743 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.05.2024**

CORAM:

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

Crl.O.P.(MD)No.7743 of 2024

1.Niraikulathan

2.Karthick @ Karthick Raja

... Petitioners/Accused Nos.1 & 2

Vs.

1.The Deputy Superintendent of Police,
Alangulam,
Tenkasi District.

2.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
Crime No.108 of 2024.

...Respondents/Complainant

3.Udhaya Sharma

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the II Additional District Sessions Judge (PCR Court), Tirunelveli, to consider the bail application of the above said petitioners/accused on their surrender on the same day on merits.

For Petitioner :Mr.M.Sankar

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



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the II Additional District Sessions Judge (PCR Court), Tirunelveli, to accept the surrender of the petitioners and consider their bail applications on the same day on merits in relating to Crime No.108 of 2024, on the file of the first and second respondent police.

2. The petitioners are the accused for the offences punishable under Sections 294(b), 352, 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) Act 1989, in Crime No.108 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 petitioners, the learned Additional Public Prosecutor appearing for the first and second respondents and perused the materials available on record.



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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 II Additional District Sessions Judge (PCR Court), Tirunelveli, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.108 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 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



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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. 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 II Additional District Sessions Judge (PCR Court), Tirunelveli.
- 2.The Deputy Superintendent of Police,
Alangulam,
Tenkasi District.
- 3.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
Crime No.108 of 2024.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY. J.

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