



Crl.O.P.(MD)Nos.11787 and 11895 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)Nos.11787 and 11895 of 2024

1.Prem

2.Vivek

3.Muruganatham

4.Nirmala

... Petitioners in
Crl.OP(MD)No.
11787 of 2024

1.Mani @ Manikandan

2.Lakshmanan

3.Sekar

4.Manidurai

... Petitioners in
Crl.OP(MD)No.
11895 of 2024

Vs.

1.The State Rep. by its
The Superintendent of Police,
Madurai District.



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2.The State rep. by
Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
(Crime No.80 of 2024)

3.Suganthan

... Respondents in
both the
petitions

COMMON PRAYER : Criminal Original Petitions filed under Section 528 of BNSS, to direct the learned III Additional Sessions Judge (PCR), Special Court for Trial Cases registered under SC/ST (POA) Act, Madurai to entertain, consider and dispose of the bail application of the petitioners when they surrender before the said Court on the same day in Crime No.80 of 2024 pending on the file of the Inspector of Police, M.Chatrapatti Police Station, Madurai District.

(in both the petitions)

For Petitioners : Mr.S.Vinodh

For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Original Petition have been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned III Additional Sessions Judge (PCR), Special Court for Trial Cases registered under SC/ST



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(POA) Act, Madurai to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No. 80 of 2024 on the file of the respondent police.

2. The petitioners in Crl.O.P.(MD)No.11787 of 2024 are the accused 5 to 8 and the petitioners in Crl.O.P.(MD)No.11895 of 2024 are the accused 1 to 4 for the offences punishable under Sections 191(2), 193(3), 296(b), 115(2), 118(1) and 351(3) BNS and Sections 3(1)(r) and 3(1)(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.80 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. When the matter was taken up for hearing on 16.08.2024, the learned counsel representing for the third respondent submitted that the petitioners' side are going to celebrate their community leader birthday on 17.08.2024 and raised objections for granting the relief at that point of time. But today, there is no representation for the third respondent.



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

5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioners are not having any previous cases.

6. 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 III Additional Sessions Judge (PCR), Special Court for Trial Cases registered under SC/ST (POA) Act, Madurai, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.80 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 15(a) of the SC/ST Act. The petitioners shall surrender before the concerned



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jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

7. 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.

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

19.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The III Additional Sessions Judge (PCR),
Special Court for Trial Cases registered under SC/ST (POA) Act,
Madurai.
- 2.The Superintendent of Police,
Madurai District.
- 3.The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

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Common Order made in
Crl.O.P.(MD)Nos.11787 and 11895 of 2024

Dated: 19.08.2024