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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)No.13456 of 2024

1.Solairajan

2.Nitheeswaran ... Petitioners

Vs.

The State rep by
1.The Deputy Superintendent of Police,
Melur Division,
Madurai District.

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No.123 of 2024)

3.Samuvel Reckland Durai ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned IIIrd Additional District Judge for P.C.R. Cases, Madurai to accept the surrender of the petitioners and consider the bail application on the date of surrender in Crime No.123 of 2024 on the file of second respondent police on the very same day.

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For Petitioners : Mr.J.Vishnu

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

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned III Additional District Judge for P.C.R. Cases, Madurai to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.123 of 2024 dated 27.05.2024 on the file of the respondent police.

2. The petitioners are the accused 12 and 12 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427 and 307 IPC and Sections 3(1)(r), 3(l)(s) and 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.123 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

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3. No doubt, the earlier petition filed by the petitioners in Crl.O.P.(MD)No.8961 of 2024 was dismissed as withdrawn by this Court vide order dated 20.06.2024.

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 there are totally 22 accused, that the accused 4, 6, 8, 15 and 17 were already granted direction by this Court, that two accused were already arrested and released on bail and 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 District Judge for P.C.R. Cases,

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Madurai, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.123 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 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, this Criminal Original Petition stands allowed.

19.08.2024

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

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To

1.The III Additional District Judge for P.C.R. Cases,
Madurai.

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

3.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

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

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K.MURALI SHANKAR,J.

csm

Order made in
Crl.O.P.(MD)No.13456 of 2024

Dated: 19.08.2024

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