



Crl.O.P.(MD)No.12776 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12776 of 2024

1.Selvamani

2.Sakthivel

: Petitioners

Vs.

1.The Deputy Superintendent of Police,
Deputy Superintendent Office,
Kumbakonam.

2.The Inspector of Police,
Pateeswaram Police Station.
Thanjavur District.
Crime No.265 of 2024.

3.Puthiyavan

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned I Additional District and Session Court (PCR) Thanjavur to accept the surrender of the petitioners and consider their bail applications on the same day in Crime No.265 of 2024 on the file of the second respondent Police.

For Petitioners : Mr.S.Gurumoorthy

For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)
for R1 & R2.



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to direct the learned I Additional District and Sessions Court (PCR) Thanjavur to accept the surrender of the petitioners and consider their bail applications on the same day in Crime No.265 of 2024 on the file of the second respondent Police.

2. The petitioners are accused for the offences punishable under Sections 294(b), 324, 427 and 506(ii) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (POA) Act 1989, in Crime No.265 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. 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.

4. 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



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the Parliament against innocent persons, there shall be a direction to the learned I Additional District and Sessions Court (PCR) Thanjavur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.265 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.

5. 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.

6. With the above direction, this Criminal Original Petition stands allowed.

06.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das



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To

1. The I Additional District and Session Court,
(PCR) Thanjavur.
2. The Deputy Superintendent of Police,
Deputy Superintendent Office,
Kumbakonam.
3. The Inspector of Police,
Pateeswaram Police Station.
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.12776 of 2024

Dated: 06.08.2024