



Crl.O.P.(MD)No.12741 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12741 of 2024

Prabu

... Petitioner/ Accused (Rank Not Known)

Vs.

1.The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
Devakkottai Sub Division,
Sivagangai District.

2.The Inspector of Police,
Devakkottai Taluk Police Station,
Sivagangai District.
(Crime No.191 of 2024)

... Respondents 1 & 2/ Complainant

3.Gopalsamy

... 3rd Respondent/ Defacto Complainant

4.Sudharshan

(*)5.Ramasamy

6. Deepak

...4 to 6 Respondent/Victims(*)

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court (PCR Act Cases) Sivagangai to consider the bail application of the petitioner concerned in Crime No.191 of 2024 on the file of the Inspector of Police, Devakottai Taluk Police Station, Sivagangai District/the second respondent herein and pass orders in accordance with law on the same day his surrender if any petition filed by the petitioner.

<https://www.mhc.tn.gov.in/judis>



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For Petitioner : Mr.T.Veerakumar

For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the Special Court (PCR Act Cases) Sivagangai, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.191 of 2024 on the file of the second respondent police.

2. The petitioner is an accused for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1) and 351(3) BNS, 2023 r/w Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.191 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

4. The learned counsel appearing for the petitioner would submit that this



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Court in Crl.O.P.(MD)No.12366 of 2024, which was filed by the other accused in this case, has already issued direction to the concerned Court to consider the bail application of the other accused vide order dated 01.08.2024.

5. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the petitioner is 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 Special Court (PCR Act Cases) Sivagangai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.191 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 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.

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 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.



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

The Petitioner shall surrender before the Court below within a period of 10 days from the date of receipt of fresh order copy.

Sd/-

Assistant Registrar(C.S.II)

(*)Amended as per order of this Court dated 30/08/2024 made in CRL.MP(MD)No.8939 of 2024 in CRL.OP(MD)No.12741 of 2024.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS-I, II, III, IV)

gns

To

(*)To be substituted to the order already despatched on 20/08/2024

1.The Special Court (PCR Act Cases),
Sivagangai.

2.The Deputy Superintendent of Police,
Devakkottai Sub Division,
Sivagangai District.

3.The Inspector of Police,
Devakkottai Taluk Police Station,
Sivagangai District.



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

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR- 47826[F] dated 02/09/2024)

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RD(20/08/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.

SL(10.09.2024)/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.