



Crl.O.P.(MD)No.12968 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12968 of 2024

Periyasamy

: Petitioner

Vs.

1.The Deputy Superintendent of Police,
Karur, Karur District.

2.The Inspector of Police,
Velliyanai Police Station,
Karur District.
(Crime No.285 of 2024)

: Respondents/Complainants

3.Gomathi

: Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for PRC Cases/Exclusive Trial of SC/ST cases cum learned District Sessions Judge, Karur to accept the surrender of the petitioner and consider his bail application on the same day of his surrender in connection with Crime No.285 of 2024 on the file of the second respondent Police, dated 19.07.2024.

For Petitioner

: Mr.R.Thangapandian



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For R1 & R2

: Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 582 B.N.S.S., seeking orders, to direct the Special Court for PRC Cases/Exclusive Trial of SC/ST cases cum learned District Sessions Judge, Karur to accept the surrender of the petitioner and consider his bail application on the same day of his surrender in connection with Crime No.285 of 2024 on the file of the second respondent Police, dated 19.07.2024.

2. The petitioner is the accused for the offences punishable under Sections 296(b), 351(2) BNS, Section 4 of TN Prohibition of Charging Exorbitant Interest Act, 2003 and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.285 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the State and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner is not having any previous cases.

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 Special Court for PRC Cases/Exclusive Trial of SC/ST cases cum learned District Sessions Judge, Karur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.285 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



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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.

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 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.

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

08.08.2024

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



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To

- 1.The Special Judge for PRC Cases/Exclusive Trial of SC/ST cases cum learned District Sessions Judge, Karur.
- 2.The Deputy Superintendent of Police,
Karur, Karur District.
- 3.The Inspector of Police,
Velliyanai Police Station,
Karur 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.12968 of 2024

Dated: 08.08.2024