



Crl.O.P.(MD)No.13122 of 2024

+BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1.Kala

2.Chithra

3.Vasantha

4.Muthazhagu Sellam @ Chellammal

5.Devi @ Renugadevi

6.Shanthi

7.Pokarri @ Lakshmi

8.Poopathi (Tharan) @ Rubathi

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Alagudi, Pudukkottai District.

2.State rep.The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.

3.Karunanithi

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of BNS, to direct learned District and Sessions Judge (Special Court for PCR Cases), Pudukkottai to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.211 of 2024, dated 01.08.2024 on the file of the respondent Police.

For Petitioners : Mr.D.Rameshkumar

For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)
for R1 & R2.

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S., seeking orders, to direct learned District and Sessions Judge (Special Court for PCR Cases), Pudukkottai to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.211 of 2024, dated 01.08.2024 on the file of the respondent Police.

2. The petitioners are the accused for the offences punishable under Sections 191(2), 296(b), 126(2), 115(2), 351(3) of BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989 in Crime No.211 of



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2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. The learned Government Advocate (Criminal Side) appearing for the State would submit that the injured was discharged from the hospital. He would further submit that the petitioner is not having any previous case.

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

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 learned District and Sessions Judge (Special Court for PCR Cases), Pudukkottai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.211 of 2024 on



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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.

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.

12.08.2024

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



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To

- 1.The District and Sessions Judge
(Special Court for PCR Cases), Pudukkottai.
- 2.The Deputy Superintendent of Police,
Alagudi, Pudukkottai District.
- 3.State rep.The Inspector of Police,
Alangudi Police Station,
Pudukkottai 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.13122 of 2024

Dated: 12.08.2024