



Crl.O.P.(MD)No.16306 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16306 of 2024

1.Navaneethakrishnan

2.Pandiyarajan

... Petitioners/Accused

Vs.

1.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

: 1st Respondent/Complainant

2.The Inspector of Police,
Parthibanoor Police Station,
Paramakudi, Ramanathapuram District.
Crime No.34 of 2024

: 2nd Respondent/Complainant

3.Balasubramaniyan

: 3rd Respondent/Defacto
complainant/Victim

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct learned Sessions Judge (PCR Act Cases) Ramanathapuram to consider the bail application on their surrender on the same day, if any petition filed by the petitioners in Crime No.34 of 2024 on the file of the second respondent.



WEB COPY



Crl.O.P.(MD)No.16306 of 2024

For Petitioners : Mr.P.Praveen Kumar

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.S., seeking orders, to direct learned Sessions Judge (PCR Act Cases) Ramanathapuram, to consider the bail application on their surrender on the same day, if any petition filed by the petitioners in Crime No.34 of 2024 on the file of the second respondent.

2. The petitioners are the accused for the offences punishable under Sections 143, 294(b), 323, 324 and 506(ii) IPC and Section 3(l)(r) and 3(1)(s) SC/ST (POA) Act 1989, in Crime No.34 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 State and perused the materials available on record.



Crl.O.P.(MD)No.16306 of 2024

WEB COPY

4. No doubt, the petitioner's earlier application in Crl.O.P(MD) No.10215 of 2024, was dismissed by this Court, vide order, dated 10.07.2024.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that injured was discharged from the hospital and that the petitioners are not having any previous case. He would further submit that the co-accused were already arrested and released on bail.

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 Sessions Judge (PCR Act Cases) Ramanathapuram, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.34 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,



Crl.O.P.(MD)No.16306 of 2024

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.

27.09.2024

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



WEB COPY



Crl.O.P.(MD)No.16306 of 2024

To

- 1.The Sessions Judge (PCR Act Cases)
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Paramakudi, Ramanathapuram District.
- 3.The Inspector of Police,
Parthibanoor Police Station,
Paramakudi, Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.16306 of 2024

K.MURALI SHANKAR,J.

DAS

Order made in
Crl.O.P.(MD)No.16306 of 2024

Dated: 27.09.2024