



CrI.O.P.(MD)No.13766 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.13766 of 2024

P.Balamurugan

: Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

2.State rep.by
The Inspector of Police,
Thandikudi Police Station,
Thandikudi, Dindigul District.
Crime No.70 of 2024.

3.C.Natarajan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Principal and District Sessions Judge (Special Court for SC/ST (POA) Act, Dindigul, to accept the surrender of the petitioner and consider his bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.70 of 2024, registered on 12.03.2024 on the file of the second respondent Police.

For Petitioner

: Mr.J.Lawrance



Crl.O.P.(MD)No.13766 of 2024

WEB COPY

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 the learned Principal and District Sessions Judge (Special Court for SC/ST (POA) Act, Dindigul, to accept the surrender of the petitioner and consider his bail application and grant bail on the same date of surrender itself in connection with the case in Crime No.70 of 2024, registered on 12.03.2024 on the file of the second respondent Police.

2. The petitioner is the accused for the offences punishable under Sections 294(b), 324, 506(ii) IPC r/w Section 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989 in Crime No.70 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the State would



Crl.O.P.(MD)No.13766 of 2024

WEB COPY

submit that the injured was discharged from the hospital. He would further submit that the petitioner has earlier filed a petition in Crl.OP(MD) No.4756 of 2024 and the same was dismissed by this Court, vide order, dated 26.03.2024.

4. 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.

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 Principal and District Sessions Judge (Special Court for SC/ST (POA) Act, Dindigul, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.70 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



Crl.O.P.(MD)No.13766 of 2024

WEB COPY

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.

28.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Crl.O.P.(MD)No.13766 of 2024

To

- 1.The Principal and District Sessions Judge
(Special Court for SC/ST (POA) Act,
Dindigul.
- 2.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.
- 3.The Inspector of Police,
Thandikudi Police Station,
Thandikudi, Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.13766 of 2024

K.MURALI SHANKAR,J.

DAS

Order made in
Crl.O.P.(MD)No.13766 of 2024

Dated: 28.08.2024