WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13810 of 2024

Ulaganathan @ Raja @ Bullet Raja ... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The State represented through by
The Inspector of Police,
Perumal Puram Police Station,
Tirunelveli.
(Crime No.273 of 2024)

3.Sudalai Raj
District Executive Committee Member CPI (M)
Untouchability Eradication Lead District Secretary,
Vinobha Nagar,
Reddyar Patti,
Tirunelveli. ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned 2nd Additional District Judge cum Special Judge for PCR Cases, Tirunelveli to consider the bail application of the petitioner

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

WEB COPY

on the same day of his surrender in Crime No.273 of 2024 on the file of the second respondent police.

For Petitioner : Mr.M.Siva Sankar

For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

For R3 : Mr.L.Shaji Chellan

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned 2nd Additional District Judge cum Special Judge for PCR Cases, Tirunelveli to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.273 of 2024 on the file of the second respondent police.

2. The petitioner is the 15th accused for the offences punishable under Sections 147, 448, 294(b), 323, 353, 109 and 506(1) IPC, Section 3 of TN Public Property (Prevention of Damage and Loss) Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 altered into Sections 147, 448, 294(b), 323, 353, 109 and 506(1) IPC,

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

WEB COPY

Section 3 of TN Public Property (Prevention of Damage and Loss) Act, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Act in Crime No.273 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. It is not in dispute that the first accused was released on statutory bail and some of the accused were granted bail by this Court in criminal appeals preferred by them.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioner is having one previous case.

5. The learned counsel appearing for the third respondent seeks time for filing counter. Since the petitioner has only sought for direction, the learned trial Judge is to be directed to give notice to the third respondent/defacto complainant and hear the objections and pass orders.

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

WEB COPY

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 2nd Additional District Judge cum Special Judge for PCR Cases, Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 273 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. At the time of passing orders, the learned learned 2nd Additional District Judge cum Special Judge for PCR Cases, Tirunelveli, is directed to take note of the petitioner's previous case also.

8. It is needless to say that the Court below while disposing the

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

WEB COPY

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.

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

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

1.The 2nd Additional District Judge cum Special Judge for PCR Cases,
Tirunelveli.

2.The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3.The Inspector of Police,
Perumal Puram Police Station,
Tirunelveli.

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

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

WEB COPY

K.MURALI SHANKAR,J.

csm

Order made in
Crl.O.P.(MD)No.13810 of 2024

Dated: 27.08.2024

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