



WEB COPY



Crl.O.P.(MD)No.13994 of 2024

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.13994 of 2024

K.Murugesan

: Petitioner

Vs.

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

2.The Inspector of Police,
District Crime Branch Police Station,
Sivagangai, Sivagangai District.
Crime No.13 of 2024.

3.Sonamuthu

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to direct the learned Additional District and Sessions Court (PCR) Sivagangai to consider the bail application of the petitioner concerned in Crime No.13 of 2024 on the file of the second respondent Police and pass orders in accordance with law on the same day on his surrender if any petition file by the petitioner.

For Petitioner : Mr.S.Pugalendhi,

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



Crl.O.P.(MD)No.13994 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed, invoking Section 528 of B.N.S.S., seeking orders, to direct the learned Additional District and Sessions Court (PCR) Sivagangai to consider the bail application of the petitioner concerned in Crime No.13 of 2024 on the file of the second respondent Police and pass orders in accordance with law on the same day on his surrender if any petition file by the petitioner.

2.The petitioner is accused for the offences punishable under Sections 417, 420, 427, 468, 471, 379, 294(b) and 120B of IPC and Sections 3(l)(r), 3(l)(s) and 3(1)(g) of SC/ST (POA) Act 2015, in Crime No.13 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. The learned Government Advocate (Criminal Side) appearing for the State would submit that earlier the third respondent has given two complaints against the petitioner and on that basis, two FIRS came to be registered and after enquiry, the same were ordered to be closed as 'mistake of fact' and that the third respondent has now preferred another complaint raising some other charges against the petitioner.



Crl.O.P.(MD)No.13994 of 2024

WEB COPY

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 Additional District and Sessions Judge (PCR) Sivagangai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.13 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.

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 petitioners and pass orders. Mere direction issued by this Court to



Crl.O.P.(MD)No.13994 of 2024

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.

27.08.2024

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

To

- 1.The Additional District and Sessions Judge,
(PCR) Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.
- 3.The Inspector of Police,
District Crime Branch Police Station,
Sivagangai, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.13994 of 2024

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.13994 of 2024

Dated: 27.08.2024