



Crl.O.P.(MD)No.14219 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14219 of 2024

Selvendran

: Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thanjavur District.

2.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
Crime No.442 of 2024.

3.Ganesan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned I Additional District and Sessions Judge (PCR) Court, Thanjavur to consider the bail application to be filed by the petitioner on the same day on his surrender in connection with Crime No.442 of 2024 on the file of the second respondent.

For Petitioner : Mr.A.Arun Prasad

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



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders, to direct the learned I Additional District and Sessions Judge (PCR) Court, Thanjavur, to consider the bail application to be filed by the petitioner on the same day on his surrender in connection with Crime No.442 of 2024 on the file of the second respondent.

2. The petitioner is the accused for the offences punishable under Sections 296(b), 115(2), 351(2) of BNS and Sections 3(l)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989 in Crime No.442 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 submit that the injured was discharged from the hospital and the petitioner is not having any previous case. He would further submit that the counter case has been registered in Crime No.443 of 2024.



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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 I Additional District and Sessions Judge (PCR) Court, Thanjavur, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.442 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.



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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.

29.08.2024

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



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To

- 1.The I Additional District and Sessions Judge
(PCR) Court, Thanjavur.
- 2.The Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur 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.14219 of 2024

Dated: 29.08.2024