



Crl.O.P.(MD)No.14196 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14196 of 2024

1.Sibiraj

2.Hari @ Harikrishnan

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur District.

2.The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(Crime No.327 of 2024)

3.Muruganantham

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to accept the surrender of the petitioners before the Special Court for SC/ST (Prevention of Atrocities) Act i.e. The 1st Additional District and Sessions Judge at Thanjavur in connection with the Crime No.327 of 2024 on the file of the second respondent and to consider the bail application filed by the petitioners on the same day.



Crl.O.P.(MD)No.14196 of 2024

WEB COPY

For Petitioners : Mr.K.M.Karunakaran

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

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned 1st Additional District and Sessions Judge at Thanjavur to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.327 of 2024 dated 24.07.2024 on the file of the respondent police.

2. The petitioners are the accused 2 and 4 for the offences punishable under Sections 126, 296 and 118 BNS and Sections 3(1)(r) and 3(1)(s) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.327 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



Crl.O.P.(MD)No.14196 of 2024

WEB COPY

learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioners are not having any previous cases, that the injured was discharged from the hospital, that the first accused was already arrested and is still in custody and that in counter case, FIR came to be registered in Crime No.326 of 2024.

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 1st Additional District and Sessions Judge at Thanjavur, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.327 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



Crl.O.P.(MD)No.14196 of 2024

WEB COPY

Section 15(a) of the SC/ST Act. The petitioners 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 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
csm

To

1.The 1st Additional District and Sessions Judge,
Thanjavur.



Crl.O.P.(MD)No.14196 of 2024

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur District.

3.The Inspector of Police,
Tamil University Police Station,
Thanjavur District.

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



WEB COPY



Crl.O.P.(MD)No.14196 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.14196 of 2024

Dated: 28.08.2024