



*Crl.O.P.(MD)No.14693 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.14693 of 2024

Devi

... Petitioner

Vs.

State rep by its

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

2.The Inspector of Police,  
Ganesh Nagar Police Station,  
Pudukottai District.  
(Crime No.54 of 2024)

3.Alaguraja

... Respondents

*(Memo dated 03.09.2024 filed by the petitioner is recorded.  
Cause title is amended as per memo filed by the petitioner,  
dated 03.09.2024 )*

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for (PCR Cases) Pudukottai to consider the bail application on her surrender on the same day, if any petition filed by the petitioner in Crime No.54 of 2024 on the file of the second respondent.



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For Petitioner : Mr.M.Navinkumar

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 Special Court for (PCR Cases) Pudukottai to accept the surrender of the petitioner and consider her bail application on the same day on merits in relating to Crime No.54 of 2024 on the file of the second respondent police.

2. The petitioner is the first accused for the offences punishable under Sections 294(b), 417, 420 and 506(1) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.54 of 2024, pending on the file of the second respondent police and apprehending arrest, she has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the



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respondents 1 and 2 and perused the materials available on record.

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4. No doubt, in the earlier petition filed by the petitioner, this Court has granted direction but the petitioner has not surrendered before the concerned Court within the time stipulated by this Court and hence, she filed an extension petition before this Court and the same was dismissed as withdrawn with a liberty to file a fresh criminal original petition. Hence, the present petition came to be filed.

5. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the petitioner is not having any previous cases.

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 Special Court for (PCR Cases) Pudukottai, to consider the petitioner's bail application, preferably on the same day of her



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surrender in connection with Crime No.54 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. 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.

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

**03.09.2024**

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



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- 1.The Special Court for (PCR Cases),  
Pudukottai.
- 2.The Deputy Superintendent of Police,  
Pudukottai,  
Pudukottai District.
- 3.The Inspector of Police,  
Ganesh Nagar Police Station,  
Pudukottai District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

csn

Order made in  
Crl.O.P.(MD)No.14693 of 2024

Dated: 03.09.2024