



Crl.O.P.(MD)No.14343 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14343 of 2024

1.Gopi Kannan

2.Marimuthu

3.Hari Krishnan

... Petitioners

Vs.

1.State represented through,
The Deputy Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.
(Crime No.77 of 2024)

3.Ganesan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court for (PCR) Act Cases, Thoothukudi to consider the bail application of the petitioners on the same day of surrender in Crime No.77 of 2024 on the file of the second respondent police station.



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For Petitioners : Mr.L.Prabakaran
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) Act Cases, Thoothukudi to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No. 77 of 2024 dated 19.08.2024 on the file of the respondent police.

2. The petitioners are the accused 1, 3 and 4 for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) BNS and Sections 3(5), 3(l)(r), 3(l)(s) and 3(2)(va) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.77 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 learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.



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4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the first petitioner is having three previous cases and the petitioners 2 and 3 are having one previous case each and that the injured was discharged from the hospital.

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 Special Court for (PCR) Act Cases, Thoothukudi, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.77 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 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. At the time of passing orders, the learned Sessions Judge,



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Special Court for (PCR) Act Cases, Thoothukudi, is directed to take note of the petitioners' previous antecedents also.

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 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.

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

30.08.2024

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

To

1.The Special Court for (PCR) Act Cases,
Thoothukudi.

2.The Deputy Superintendent of Police,
Thoothukudi,
Thoothukudi District.



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3.The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi 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.14343 of 2024

Dated: 30.08.2024