



Crl.O.P.(MD)No.14550 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14550 of 2024

1.T.M.Ramalingam

2.R.Vijayakumari

3.Shiva Prasad

... Petitioners/A1to A3

Vs.

1.The Deputy Superintendent of Police,
DSP Office Thiruvaiyaru,
Thanjavur District – 613 204.

2.The Inspector of Police,
Thiruvaiyar Police Station,
Thanjavur District.
Crime No.414 of 2024

3.T.Ragu

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNNS, to direct learned I Additional District and Sessions Judge cum (PCR Court) Thanjavur, to accept the surrender of the petitioners and to consider the petitioners bail petition on the same day in accordance with law of thier surrender in connection with Crime No.414 of 2024 on the file of the Inspector of Police, Thiruvaiyar Police Station, Thanjavur District.



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For Petitioners : Mr.A.Ramesh

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

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.N.S., seeking orders, to direct learned I Additional District and Sessions Judge cum (PCR Court) Thanjavur, to accept the surrender of the petitioners and to consider the petitioners' bail petition on the same day in accordance with law of his surrender in connection with Crime No.414 of 2024 on the file of the Inspector of Police, Thiruvaiyar Police Station, Thanjavur District.

2. The petitioners are the accused for the offences punishable under Sections 191(2), 296(b), 115(2), 351(3) BNS, Section 4 of TNPHW Act and Section 3(l) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.414 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the State and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that injured was discharged from the hospital and that the petitioners are not having any previous case. He would further submit that the counter case has been registered in Crime No.413 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 I Additional District and Sessions Judge cum (PCR Court) Thanjavur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.414 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



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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.

02.09.2024

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



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To

- 1.The I Additional District and Sessions Judge cum
(PCR Court) Thanjavur.
- 2.The Deputy Superintendent of Police,
DSP Office Thiruvaiyaru,
Thanjavur District – 613 204.
- 3.The Inspector of Police,
Thiruvaiyar 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.14550 of 2024

Dated: 02.09.2024