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Crl.O.P.(MD)No.15161 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15161 of 2024

Arumugam : Petitioner/Sole Accused

Vs.

1.State rep.by the Deputy Superintendent of Police,
Thiruvaiyaru, Thanjavur District.

2.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
Crime No.193 of 2024.

3.Suyamprakasam : Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to direct the learned I Additional District Sessions Judge (PCR), Thanjavur, to consider the bail application of the petitioner on the same day of his surrender before the Court in connection with Crime No.193 of 2024 on the file of the second respondent.

For Petitioner : Mr.K.Arun Raj,

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



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 of BNSS, seeking orders, to direct the learned I Additional District Sessions Judge (PCR), Thanjavur to consider the bail application of the petitioner on the same day of his surrender before the Court in connection with Crime No.193 of 2024 on the file of the second respondent.

2. The petitioner is accused for the offences punishable under Sections 294(b), 341 of BNS and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (POA) Act 1989, in Crime No.193 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. No doubt, the petitioner's earlier application came to be dismissed on the ground of bad antecedents.

4. The learned counsel appearing for the petitioner would submit that out of four cases, petitioner was acquitted in two cases and the two cases are pending.



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5. 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.

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 learned I Additional District Sessions Judge (PCR), Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.193 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.

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



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consider the bail petition on the same day, does not amount to consider it favorably.

7. At the time of passing orders, the learned I Additional District Sessions Judge (PCR), Thanjavur, is directed to take note of the petitioner's previous case also.

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

10.09.2024

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

To

1.The I Additional District Sessions Judge (PCR),
Thanjavur.

2.The Deputy Superintendent of Police,
Thiruvaiyaru, Thanjavur District.

3.The Inspector of Police,
Sengipatti 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.15161 of 2024

Dated: 10.09.2024