



Crl.O.P.(MD)No.15110 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15110 of 2024

Dhanalakshmi

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thoothukudi Town, Thoothukudi.

2.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.
(Crime No.455 of 2024)

3.Sankar Ganesh

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Additional Sessions Judge for PCR Cases, Thoothukudi to accept the surrender of the petitioner and to consider the bail application on the same day in accordance with law of his surrender in connection with Crime No.455 of 2024 on the file of the Inspector of Police, Thoothukudi South Police Station, Thoothukudi.

For Petitioner
For R1 & R2

: Mr.B.Jeyakumar
: Mr.P.Kottaichamy
Government Advocate (Crl. Side)



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For R3

: Mr.M.P.Senthil

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned Additional Sessions Judge for PCR Cases, Thoothukudi to accept surrender of the petitioner and consider her bail application on the same day and merits in relating to Crime No.455 of 2024 dated 02.09.2024 on the file of the respondent police.

2.The petitioner is the accused for the offence punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act 2015 and Section 92 of the Rights of Persons with Disability Act 2016 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 petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent 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 alteration report came to be filed by altering the offences from Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act 2015 and Section 92 of the Rights of Persons with Disability Act 2016 to Sections 296(b), 351(3) BNS Act, Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act 2015 and Section 92 of the Rights of Persons with Disability Act 2016.

5.The learned counsel appearing for the third respondent would raise objection to issue direction.

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 Additional Sessions Judge for PCR Cases, Thoothukudi , to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.455 of 2024 on the file of the second respondent police and pass appropriate orders,



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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.

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.

09.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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To

- 1.The Additional Sessions Judge for PCR Cases,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Thoothukudi Town, Thoothukudi.
- 3.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

gns

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