



Crl.O.P.(MD)No.15561 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15561 of 2024

1.Sambath

2.Annathurai

3.Danavendran

4.Deivendran

5.Muthukumar

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Devakottai Sub Division,
Sivagangai District.

2.The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.191 of 2024)

3.Gopalasamy

4.Sudharshan

5.Ramasamy

6.Deepak

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court (PCR Act Cases) Sivagangai to consider the bail application of the petitioners concerned in Crime No. 191 of 2024 on the file of the Inspector of Police, Devakottai Taluk Police Station, Sivagangai District/the second respondent herein and pass orders in accordance with law on the same day on their surrender if any petition filed by the petitioners.

For Petitioners : Mr.P.T.Ramesh Raja
for Mr.T.Veerakumar

For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the Special Court (PCR Act Cases) Sivagangai to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.191 of 2024 dated 24.07.2024 on the file of the respondent police.

2. The petitioners are the accused for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1) and 351(3) BNS and Sections 3(1)(r) and 3(1)(s) of the Schedule Caste and the Schedule



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Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.191 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. No doubt, the petitioners' earlier petition was disposed of by this Court vide order dated 01.08.2024 with direction. Since the petitioners have not impleaded two other victims in that petition, they have filed amendment petition and this Court vide order dated 06.09.2024 has dismissed the petition with liberty to the petitioners to file a fresh application.

4. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

5. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the petitioners are not having any previous cases and that the injured were discharged from the hospital.



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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 (PCR Act Cases) Sivagangai, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.191 of 2024 on the file of the second respondent police and pass appropriate orders, in accordance with law, after affording due opportunity to the victims 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.



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

allowed.

13.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

csm

To

1.The Special Court (PCR Act Cases) Sivagangai.

2.The Deputy Superintendent of Police,
Devakottai Sub Division,
Sivagangai District.

3.The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai 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.15561 of 2024

Dated: 13.09.2024