



Crl.O.P.(MD)No.15599 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15599 of 2024

1.Kani Mohamed Abdulrazak @ kani Mohamed

2.B.Mohamed Faizal

... Petitioners/A1&A2

Vs.

1.The Deputy Superintendent of Police,
Thiruppathur Division,
Sivagangai District.

2.The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
Crime No.79 of 2024.

3.Chandran

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct learned Additional District and Sessions Judge (PCR) Court, Sivagangai to consider the bail application to be filed by the petitioners on the same day of their surrender in connection with Crime No.79 of 2024 on the file of the second respondent.

For Petitioner : Mr.H.Mahamed Hussain



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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 Additional District and Sessions Judge (PCR) Court, Sivagangai, to consider the bail application to be filed by the petitioners on the same day of their surrender in connection with Crime No.79 of 2024 on the file of the second respondent.

2. The petitioners are the accused for the offences punishable under Section 506 (ii) of IPC and Sections 3(l)(r), 3(1)(s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989, in Crime No.79 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 State and perused the materials available on record.



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4. The learned Government Advocate (Criminal Side) appearing for the State would submit that no one was injured in this case and that the petitioners are not having any previous case.

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 Additional District and Sessions Judge (PCR) Court, Sivagangai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.79 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. 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



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the petitioner 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.

18.09.2024

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

To

- 1.The Additional District and Sessions Judge (PCR) Court,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Thiruppathur Division,
Sivagangai District.
- 3.The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai 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.15599 of 2024

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