



Crl.O.P.(MD)No.15870 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15870 of 2024

V.Manoj Kumar @ Manojprabhakar

... Petitioner

Vs.

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

2.The Inspector of Police,
Madugupatti Police Station,
Sivagangai District.

3.Selvam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Principal District and Sessions Judge (PCR Court), Sivagangai to accept the surrender and consider the bail application and grant bail to the petitioner on the same day in Crime No.182 of 2024 on the file of the second respondent police.

For Petitioner : Mr.S.M.Sanjay

For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



Crl.O.P.(MD)No.15870 of 2024

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ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned Principal District and Sessions Judge (PCR Court), Sivagangai to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.182 of 2024 on the file of the second respondent police.

2. The petitioner is the first accused for the offences punishable under Sections 341, 294(b), 324 and 506(2) IPC and Sections 3(l)(r) and 3(l)(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.182 of 2024, pending on the file of the second respondent police and apprehending arrest, he has 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 perused the materials available on record.



Crl.O.P.(MD)No.15870 of 2024

WEB COPY

4. No doubt, the petitioner's earlier petition was dismissed by this Court vide order dated 05.07.2024.

5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioner is having three previous cases.

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 Principal District and Sessions Judge (PCR Court), Sivagangai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 182 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



Crl.O.P.(MD)No.15870 of 2024

this order.

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6. At the time of passing orders, the learned Principal District and Sessions Judge (PCR Court), Sivagangai, is directed to take note of the petitioner's previous cases also.

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 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.

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

23.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



Crl.O.P.(MD)No.15870 of 2024

WEB COPY To

- 1.The Principal District and Sessions Judge (PCR Court),
Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Inspector of Police,
Madugupatti Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.15870 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.15870 of 2024

Dated: 23.09.2024