



Crl.O.P.(MD)No.15828 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15828 of 2024

1.Harikrishnan @ Arikrishnan

2.Raja @ Sakthivel Raja

... Petitioners/A1 & A2

Vs.

1.The Deputy Superintendent of Police,
Thiruvadanai Sub Division,
Ramanathapuram District.

2.The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.

3.Ananth

4.William

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct Special Court (PCR Act Cases) Ramanathapuram, to consider the bail application of the petitioners concerned in Crime No.227 of 2024 on the file of the Inspector of Police, R.S.Mangalam Police Station, Ramanathapuram District/second respondent herein and pass orders in accordance with law on the same day of their surrender, if any petition filed by the petitioners.



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For Petitioners : Mr.R.Vinoth

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 the learned Judge, Special Court (PCR Act Cases) Ramanathapuram, to consider the bail application of the petitioners concerned in Crime No.227 of 2024 on the file of the Inspector of Police, R.S.Mangalam Police Station, Ramanathapuram District/second respondent herein and pass orders in accordance with law on the same day of their surrender, if any petition filed by the petitioners.

2. The petitioners are the accused for the offences punishable under Sections 126(2), 296(b), 115(2) of BNS and Sections 3(l)(r) and 3(1)(s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989 in Crime No.227 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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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.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that on the basis of the complaint given by the petitioner, FIR came to be registered in Crime No.228 of 2024 for the alleged offences under Sections 296(b) and 324(3) of BNS against the four persons, including the private respondents. He would further submit that the petitioners are having one previous case under the MMDR Act.

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 Judge, Special Court (PCR Act Cases) Ramanathapuram, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.227 2024 on the file of the second respondent police and pass appropriate orders, in accordance with



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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 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.

20.09.2024

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



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To

- 1.The Judge, Special Court (PCR Act Cases)
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Thiruvadanai Sub Division,
Ramanathapuram District.
- 3.The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram 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.15828 of 2024

Dated: 20.09.2024