



Crl.O.P.(MD)No.15837 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.15837 of 2024

1.Mayilvaganan

2.Gopi

3.Meiyazhagan

4.Naveen

5.Vijayakumar

6.Vengadesan ... Petitioners/A1to A6

Vs.

1.The Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thanjavur District.

2.State rep.by the Inspector of Police,
Thogur Police Station,
Thanjavur District.
Crime No.265 of 2024.

3.Solaimuthu ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNNS,
to direct the Special Court Judge/PCR, Thanjavur to accept the surrender



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of the petitioners along with bail application in Crime No.265 of 2024 on the file of the second respondent police herein and to consider the bail application on the same day on merits.

For Petitioners : Mr.M.Karunanithi

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 Special Judge, PCR Court, Thanjavur to accept the surrender of the petitioners along with bail application in Crime No.265 of 2024 on the file of the second respondent police herein and to consider the bail application on the same day on merits.

2. The petitioners are the accused for the offences punishable under Sections 191(2), 296(b), 324(4), 324(5) of BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act 2015, in Crime No.265 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 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 Special Judge, PCR Court, Thanjavur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.265 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.



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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 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.

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 Special Judge, PCR Court, Thanjavur.
- 2.The Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thanjavur District.
- 3.State rep.by the Inspector of Police,
Thogur Police Station,
Thanjavur 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
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