



Crl.O.P.(MD)No.16523 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16523 of 2024

1.K.Sudalaiyandi Pillai @ Sudalaiyandi
2.A.Sabarish
3.A.Madhusuthanan
4.T.Uma Sankar @ Saravanan
5.M.Arumugam
6.T.S.Pragatheesh @ Raja : Petitioners

Vs.

1.The Assistant Superintendent of Police,
Nagarkovil Sub Division,
Kanyakumari District.
2.The State rep.by the Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
Crime No.346 of 2024.
3.Thasammal : Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned II Additional District Judge (PCR Court) Tirunelveli, to accept the surrender of the petitioners and consider their bail application on the same day on merits relating to the Crime No.346 of 2024, dated 15.09.2024 on the file of the respondent Police.

For Petitioners : Mr.Aayiram K.Selvakumar

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.S.S., seeking orders, to direct the learned II Additional District Judge (PCR Court) Tirunelveli, to accept the surrender of the petitioners and consider their bail application on the same day on merits relating to the Crime No.346 of 2024, dated 15.09.2024 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), 131, 324(4), 351(3) BNS, Section 4 of



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TNPHW Act 2002 and Sections 3(l)(r), 3(1)(s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989 in Crime No.346 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. It is not in dispute that on the basis of the complaint given by the third respondent, FIR in Crime No.346 of 2024 came to be registered against 20 persons including the petitioners herein and on the basis of the complaint given by the second petitioner herein, counter FIR in Crime No.347 of 2024 came to be registered for the alleged offence under Sections 191(2), 191(3), 296(b), 118(1), 351(3) BNS.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the accused 3, 7 and 14 were already arrested and they are in custody. He would further submit that the petitioners are not having any previous cases.

5. 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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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 learned II Additional District Judge (PCR Court) Tirunelveli, to consider the petitioners bail application, preferably on the same day of their surrender in connection with Crime No.346 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 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.

30.09.2024

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

To

- 1.The II Additional District Judge (PCR Court)
Tirunelveli.
- 2.The Assistant Superintendent of Police,
Nagarkovil Sub Division,
Kanyakumari District.
- 3.The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari 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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Dated: 30.09.2024