



Crl.O.P.(MD)No.16544 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.16544 of 2024

Manikanda Raja

: Petitioner/Accused

Vs.

**1.The Deputy Superintendent of Police,
Thalaiyuthu Sub-Division,
Tirunelveli District.**

**2.The State rep.by the Inspector of Police,
Seethaparpanallur Police Station,
Tirunelveli District.
Crime No.188 of 2024.**

3.Arumugam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned II Additional District and Sessions Judge, Tirunelveli (PCR Court Special Court for Exclusively Tribal of Cases under SC/ST (POA) Act to consider the bail petition of the petitioner on the same day on his surrender in connection with Crime No.188 of 2024 on the file of the second respondent Police.



Crl.O.P.(MD)No.16544 of 2024

WEB COPY

For Petitioner : Mr.C.Saravanakumar
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 and Sessions Judge, Tirunelveli (PCR Court Special Court for Exclusively Tribal of Cases under SC/ST (POA) Act to consider the bail petition of the petitioner on the same day on his surrender in connection with Crime No.188 of 2024 on the file of the second respondent Police.

2. The petitioner is the accused for the offences punishable under Sections 296(b), 131, 351(3) of BNS., and Sections 3(1)(r), 3(1)(s), 3(2) (va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.188 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



Crl.O.P.(MD)No.16544 of 2024

WEB COPY

3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the State would submit that on the basis of the complaint given by the third respondent FIR in Crime No.188 of 2024 against four persons including the petitioner herein. He would further submit that the injured was discharged from the hospital and the petitioner is having one previous case in Crime No.17 of 2024 for the offence under Section 294(b) and 506(ii) IPC.

4. It is not in dispute that on the basis of the complaint given by one Sundarraj, counter FIR in Crime No.189 of 2024 came to be registered for the offence under Sections 296(b) and 351(3) BNS against two persons including the third respondent herein.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the State and perused the materials available on record.



Crl.O.P.(MD)No.16544 of 2024

WEB COPY

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 and Sessions Judge, Tirunelveli (PCR Court Special Court for Exclusively Tribal of Cases under SC/ST (POA) Act, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.188 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 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 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.



Crl.O.P.(MD)No.16544 of 2024

WEB COPY

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 and Sessions Judge,
Tirunelveli (PCR Court Special Court for Exclusively
Tribal of Cases under SC/ST (POA) Act.
- 2.The Deputy Superintendent of Police,
Thalaiyuthu Sub-Division,
Tirunelveli District.
- 3.The State rep.by the Inspector of Police,
Seethaparanallur Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.16544 of 2024

K.MURALI SHANKAR,J.

DAS

Order made in
Crl.O.P.(MD)No.16544 of 2024

Dated: 30.09.2024