



Crl.O.P.(MD)No.16693 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16693 of 2024

1.S.Jesumani

2.Antony Vijay @ Vijay

3.P.Ganesha Perumal

4.S.Antony Santhales

... Petitioners

Vs.

1.State through
The Deputy Superintendent of Police,
Nanguneri Sub-Division,
Tirunelveli District.

2.State through
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
(Crime No.209 of 2024)

3.V.Murugaperumal

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned II Additional Sessions Court (PCR Court), Tirunelveli to consider the petitioners' bail application on the same day



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of their surrender before the Court in Crime No.209 of 2024 on the file of the second respondent police.

For Petitioners : Mr.R.J.Karthick

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

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the II Additional Sessions Court (PCR Court), Tirunelveli to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.209 of 2024 dated 18.08.2024 on the file of the respondent police.

2. The petitioners are the accused 2, 6, 8 and 9 for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 351(3) BNS and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.209 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 respondents 1 and 2 and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that there are totally 9 accused, that the accused 1, 4, 5 and 7 were already arrested and released on bail, that the petitioners are not having any previous cases and that the injured was already discharged from the hospital.

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 II Additional Sessions Court (PCR Court), Tirunelveli, to consider the petitioners' bail applications, preferably on the same day of their surrender in connection with Crime No.209 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



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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 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.

01.10.2024

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

To

1.The II Additional Sessions Court (PCR Court),
Tirunelveli.

2.The Deputy Superintendent of Police,
Nanguneri Sub-Division,
Tirunelveli District.



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3. The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.16693 of 2024

Dated: 01.10.2024