



Crl.O.P.(MD)No.16828 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16828 of 2024

Kumaresan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Thiruvarur Sub Division,
Thiruvarur.

2.The Inspector of Police,
Vadapathimangalam Police Station,
Tiruvarur District.
(Crime No.137 of 2024)

3.T.Siva

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned 1st Additional Sessions Judge (PCR), Thanjavur to accept the surrender of the petitioner/accused and consider the petitioner's bail application and grant bail on the date of surrender itself in Crime No.137 of 2024 dated 18.09.2024 on the file of the respondent police.



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For Petitioner : Mr.G.Karuppasamy Pandiyan
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 learned 1st Additional Sessions Judge (PCR), Thanjavur to accept surrender of the petitioner and consider his bail application on the same day and merits in relating to Crime No.137 of 2024 dated 18.09.2024 on the file of the respondent police.

2.The petitioner is the accused for the offence punishable under Sections 296(b), 115(2), 118(1) and 351(3) BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.137 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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3.Heard the learned counsel appearing for the petitioner, 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 the petitioner is having 10 previous cases, out of which, nine cases were disposed of and one case is pending. He would further submit that A2 and A3 were arrested and they are still in judicial custody and that the injured person has already been 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 learned 1st Additional Sessions Judge (PCR), Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.137 of 2024 on the file of the second respondent police and pass appropriate orders, in accordance



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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.

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.

03.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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To

- 1.The 1st Additional Sessions Judge (PCR), Thanjavur
- 2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Thiruvarur Sub Division,
Thiruvarur.
- 3.The Inspector of Police,
Vadapathimangalam Police Station,
Tiruvarur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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