



Crl.O.P.(MD)No.16969 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16969 of 2024

S.Gowtham

... Petitioner

Vs.

State through

1.The Deputy Superintendent of Police,
Peraiyur,
Madurai District.

2.The Inspector of Police,
Villur Police Station,
Villur, Madurai District.
(Crime No.57 of 2024)

3.Thirukumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the 3rd Additional District Judge (PCR Cases), Madurai to accept his surrender and subsequent bail application of the petitioner herein in respect of Crime No.57 of 2024 on the file of the Inspector of Police, Villur Police Station, Madurai District and later consider the same on merits and in accordance with law on the same day forthwith.



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For Petitioner : Mr.S.Jeyakumar

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 3rd Additional District Judge (PCR Cases), Madurai to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.57 of 2024 on the file of the second respondent police.

2. The petitioner is the fourth accused for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(2) BNS, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.57 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the



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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 accused 1 and 2 were arrested and are still in custody, that the injured was discharged from the hospital and that the petitioner is not having any previous cases.

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 3rd Additional District Judge (PCR Cases), Madurai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.57 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 petitioner shall surrender before the concerned jurisdictional Court, within a period of fifteen days, from the



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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 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.

04.10.2024

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

To

1.The 3rd Additional District Judge (PCR Cases),
Madurai.

2.The Deputy Superintendent of Police,
Peraiyur,
Madurai District.

3.The Inspector of Police,
Villur Police Station,
Villur, Madurai District.



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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.16969 of 2024

Dated: 04.10.2024