



Crl.O.P.(MD)No.17799 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2024

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.17799 of 2024

N.Velan ... Petitioner/Accused No.12
Vs.

1.The Assistant Superintendent of Police,
Nagarkovil Sub Division,
Kanyakumari District. ... 1st Respondent/Investigating
Officer

2.The State rep by,
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
(Crime No.346 of 2024) ... 2nd Respondent/SHO

3.Thasammal ... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned 2nd Additional District Judge (PCR Court), Tirunelveli, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.346 of 2024 dated 15.09.2024 on the file of the respondent police.

For Petitioner : Mr.Aayiram K.Selvakumar

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



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the learned 2nd Additional District Judge (PCR Court), Tirunelveli, to accept surrender of the petitioner and consider his bail application on the same day and merits in relating to Crime No.346 of 2024 dated 15.09.2024 on the file of the respondent police.

2. The petitioner is the accused for the offence punishable under Sections 191(2), 191(3), 296(b), 131, 324(4), 351(3) of the BNS, 2023 & Section 4 of TNPHW Act, 2002 and Sections 3(1)(r) and 3(1)(s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, in Crime No.346 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 learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.



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4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the injured has sustained only simple injury and 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 2nd Additional District Judge (PCR Court), Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his 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 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



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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.

18.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dss

To

- 1.The 2nd Additional District Judge (PCR Court),
Tirunelveli,
- 2.The Assistant Superintendent of Police,
Nagarkovil Sub Division,
Kanyakumari District.
- 3.TheInspector of Police,
Aralvoimozhi Police Station, Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY,J.

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