



Crl.O.P.(MD)No.18349 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18349 of 2024

Azhaguthai

: Petitioner

Vs.

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

2.The State Represented by
The Inspector of Police,
V.Chathirapatti Police Station,
Madurai District.
Crime No.10 of 2024

... 1st & 2nd Respondents/Complainants

3.Karuppaiah

... 3rd Respondent/Defacto complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS-482 of Criminal Procedure Code, to direct the learned III Additional District and Sessions Judge, Special Act Cases, PCR, Madurai to consider the bail application to be filed by the petitioner on the same day for her surrender in Crime No.10 of 2024 on the file of the second respondent police.

For Petitioner : M/s.M.Kamatchi

For Respondents : Mr.K.Sanjai Gandhi
No.1 & 2 Government Advocate (Crl. side)



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ORDER

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This Criminal Original Petition has been filed to direct the learned III Additional District and Sessions Judge, Special Act Cases, PCR, Madurai and to accept the surrender of the petitioner in Crime No.10 of 2024 on the file of the second respondent and to consider and pass orders on the bail application to be preferred by the petitioner on the same day itself.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl. side) appearing for the respondents 1 and 2 and perused the materials available on record.

3.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 III Additional District and Sessions Judge, Special Act Cases, PCR, Madurai, to consider the petitioner's bail application, preferably on the same day of her surrender in connection with Crime No.10 of 2024 on



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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.

4. 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.

5. With the above direction, this Criminal Original Petition stands allowed.

04.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
sjj

Note: Issue order copy on 05.11.2024



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To

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- 1.The III Additional District and Sessions Judge,
Special Act Cases, PCR, Madurai
- 2.The Deputy Superintendent of Police
Peraiyur, Madurai District.
- 3.The Inspector of Police,
V.Chathirapatti Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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