



Crl.O.P.(MD)No.17312 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

Crl.O.P.(MD)No.17312 of 2024

Manish @ Manish Dharshan

... Petitioner

Vs.

1.State represented through,
The Assistant Superintendent of Police,
Nagarkovil Sub Division,
Kanyakumari District

2.The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District
(Crime No.346 of 2024)

3.Thasammal

... Respondents

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



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For Petitioner : Mr.A.Mohamed Haneef
For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking orders to direct the learned II 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 on the file of the second respondent police.

2. The petitioner is the 13th accused for the offences punishable under Sections 191(2), 191(3), 296(b), 131, 324(4) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 read with Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002 read with Section 3(1)(r) and 3(1)(s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.346 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 (Crl. Side) appearing for respondent Nos. 1 and 2, and perused the materials available on record.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Nos.1 and 2 would submit that there are totally 20 accused in this case, and all other accused have already got direction, and the petitioner is the 13th accused.

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 II 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



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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 disposed of.

09.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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



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K.RAJASEKAR, J.

mkkn

Order made in
Crl.O.P.(MD)No.17312 of 2024

09.10.2024