



Crl.O.P.(MD)No.17999 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17999 of 2024

1.Murugan

2.Tamilselvi

... Petitioners

Vs.

1.State through
The Deputy Superintendent of Police,
Jeeyapuram Sub Division,
Trichy District.

2.The Inspector of Police,
AWPS-Jeeyapuram Police Station,
Trichy District.
(Crime No.20 of 2024)

3.Karthika

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned I Additional Sessions Court (PCR Court), Tiruchirapalli District to consider the petitioners' bail applications on the same day of surrender in Crime No.20 of 2024 dated 16.09.2024 on the file of the second respondent police.



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For Petitioners : Mr.K.Jeyamohan

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 I Additional Sessions Court (PCR Court), Tiruchirapalli District to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.20 of 2024 dated 16.09.2024 on the file of the respondent police.

2. The petitioners are the accused 2 and 3 for the offences punishable under Sections 108, 56 and 351(2) BNS, Sections 417 and 376 IPC and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(1)(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.20 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. Heard the learned counsel appearing for the petitioners, 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 there existed love affairs between the petitioners' son/first accused and the third respondent and after intercourse, the petitioners' son refused to marry the third respondent and when the same was questioned, the petitioners along with their son have threatened the third respondent and her family members. He would further submit that the first accused was arrested and in judicial custody and that the petitioners are 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 I Additional Sessions Court (PCR Court), Tiruchirapalli District, to consider the petitioners' bail applications, preferably on the



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same day of their surrender in connection with Crime No.20 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 petitioners 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 petitioners 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.

21.10.2024

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



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To

- 1.The I Additional Sessions Court (PCR Court),
Tiruchirapalli District.
- 2.The Deputy Superintendent of Police,
Jeeyapuram Sub Division,
Trichy District.
- 3.The Inspector of Police,
AWPS-Jeeyapuram Police Station,
Trichy District.
- 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.17999 of 2024

Dated: 21.10.2024