



Crl.O.P.(MD)No.17700 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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- 1.K.SATHISH
- 2.K.MARUDHUPANDIYAN
- 3.S.KARTHICK @ KARTHIKEYAN
- 4.STALIN
- 5.VAIRAYI MOOKKAN @ MUTHUKRISHNAN
- 6.VIJAYAN
- 7.P.PRAKASH
- 8.VENGATESH @ VENGADESAN
- 9.SINDHU
- 10.DHANALAKSHMI
- 11.CHIDAMBARAM
- 12.KAMARAJ
- 13.PRABAKARAN
- 14.ONTHACHI



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15.PITCHAMANI

16.SIVA @ SIVAKUMAR

17.SUDHA

18.MEENA

... Petitioners

Vs.

1.THE DEPUTY SUPERINTENDENT OF POLICE,
TRICHY, TRICHY DISTRICT.

2.THE INSPECTOR OF POLICE,
KANAKILIYANALLUR POLICE STATION,
TRICHY DISTRICT.
CRIME NO.153/2024

3.SARASVATHI

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the I Additional District and Sessions Judge, Special Court for PCR Cases, Trichy to consider the bail application of the petitioners on the same day of their surrender before that Court in connection with Crime No.153 of 2024 on the file of the second respondent.

For Petitioners : Mr.N.Ananda Kumar

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 I Additional District and Sessions Judge, Special Court for PCR Cases, Trichy to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.153 of 2024 dated 30.09.2024 on the file of the respondent police.

2.The petitioners are the accused for the offence punishable under Sections 191(1), 329(4), 296(b), 115(2), 324(4), 351(2) BNS and Sections 3(1)(r), 3(1)(s), 3(1)(d), 3(1)(z), 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.153 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 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 petitioners 10, 11 & 12/A10 to A12 were arrested and they are in judicial custody and that others petitioners are not having any previous cases.

5.At this juncture, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition in respect of the petitioners 10 to 12 and he has also made an endorsement to that effect. Recording the same, this petition is dismissed as withdrawn insofar as the petitioners 10 to 12.

6.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 I Additional District and Sessions Judge, Special Court for PCR Cases, Trichy, to consider the petitioners' 1 to 9 & 13 to 18 bail applications, preferably on the same day of their surrender in connection with Crime No.153 of 2024 on the file of the second



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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 1 to 9 & 13 to 18 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.

7.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 1 to 9 & 13 to 18 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.

8.With the above direction, this Criminal Original Petition stands partly-allowed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

gns

To

- 1.The I Additional District and Sessions Judge,
Special Court for PCR Cases, Trichy
- 2.THE DEPUTY SUPERINTENDENT OF POLICE,
TRICHY, TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KANAKILIYANALLUR POLICE STATION,
TRICHY DISTRICT.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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