



Crl.O.P.(MD)No.17693 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.10.2024

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.17693 of 2024

1.A.Manikanda Boopathy

2.Rani @ Jayalakshmi

... Petitioners/Accused Nos.1&2

Vs.

1.The State rep by,
The Assistant Commissioner of Police,
Tirunelveli Junction,
Tirunelveli City.

2.The State rep by
The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.
(Crime No.304 of 2024)

... Respondents/Complainants

3.Karthick

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Sessions Judge Cum Special Judge, PCR Court, Tirunelveli, to accept the surrender of the petitioners and consider the bail application of the petitioners on the same day of surrender in Crime No.304 of 2024 on the file of the respondent police.



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For Petitioners : Mr.A.Thirukumaran
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 learned Sessions Judge Cum Special Judge, PCR Court, Tirunelveli, to accept surrender of the petitioners and consider their bail application on the same day and merits in relating to Crime No.304 of 2024 dated 05.09.2024 on the file of the respondent police.

2. The petitioners are the accused for the offence punishable under Sections 296(b), 351(2) of BNS r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 2015, in Crime No.304 of 2024, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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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.

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 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 learned Sessions Judge Cum Special Judge, PCR Court, Tirunelveli, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.304 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.



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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.

18.10.2024

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

- 1.The learned Sessions Judge Cum Special Judge, PCR Court,
Tirunelveli,
- 2.The Assistant Commissioner of Police,
Tirunelveli Junction, Tirunelveli City.
- 3.TheInspector of Police,
Tirunelveli Junction Police Station, Tirunelveli City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY,J.

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