



Crl.O.P.(MD)No.18151 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.18151 of 2024

1.Kannan

2.Rasukanni

3.Snthilkumar

... Petitioners/A1 to A3

Vs.

1.State of Tamil Nadu Rep.by
The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thanjavur District.

2.The Inspector of Police,
Nadukavery Police Station,
Thanjavur District.
Crime No.436/2024.

3.Athi Ela Arivudainambi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNNS, to accept of the surrender of the petitioners before the Special Court of SC/ST (POA) Act/ I Additional District and Sessions Judge at Thanjavur in connection with Crime No.436 of 2024 on the file of the second



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respondent Police and to consider the bail application filed by the petitioners on the same day.

For Petitioners : Mr.K.M.Karunakaran

For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)
for R1 & R2.

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.N.S., seeking orders, to accept of the surrender of the petitioners before the Special Court of SC/ST (POA) Act/ I Additional District and Sessions Judge at Thanjavur in connection with Crime No.436 of 2024 on the file of the second respondent Police and to consider the bail application filed by the petitioners on the same day.

2. The petitioners are the accused for the offences punishable under Sections 296(b), 115(2), 351(1) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 1989 in Crime No.436 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 State and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioners are not having any previous case.

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 Special Court of SC/ST (POA) Act/ I Additional District and Sessions Judge at Thanjavur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.436 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 allowed.

22.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Special Court of SC/ST (POA) Act/
I Additional District and Sessions Judge,
Thanjavur.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Nadukavery Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

DAS

Order made in
Crl.O.P.(MD)No.18151 of 2024

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