



Crl.O.P.(MD)No.18207 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.18207 of 2024

Jayasurya @ Surya

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.

2.The Sub-Inspector of Police,
Kealarajakularaman Police Station,
Virudhunagar District.
(Crime No.179 of 2024)

3.Venkateshwaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court (SC/ST Cases), Srivillipathur to consider the bail application on his surrender on the same day, if any petition filed by the petitioner in Crime No.179 of 2024 on the file of the second respondent.



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For Petitioner : Mr.N.Kamesh

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 Special Court (SC/ST Cases), Srivillipathur to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Crime No.179 of 2024 on the file of the second respondent police.

2. The petitioner is the first accused for the offences punishable under Sections 296(b), 115(2) and 351(2) BNS and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 in Crime No.179 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the



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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 petitioner is not having any previous cases and that the injured was discharged from the hospital.

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 (SC/ST Cases), Srivillipathur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.179 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 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 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.

23.10.2024

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

To

- 1.The Special Court (SC/ST Cases),
Srivillipathur.
- 2.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.
- 3.The Sub-Inspector of Police,
Kealarajakularaman Police Station,
Virudhunagar 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.18207 of 2024

Dated: 23.10.2024