



Crl.O.P.(MD)No.18923 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18923 of 2024

Karuppasamy @ Karthick

... Petitioner

Vs.

1.State of Tamil Nadu,
The Deputy Superintendent of Police,
Ambasamudram,
Tirunelveli District.

2.The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
(Crime No.537 of 2024)

3.Balasubramanian

... Respondents

PRAYER:- Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the learned II Additional District and Sessions Judge (PCR Court), Tirunelveli, to consider the bail application of the petitioner herein on the same day of surrender, pertaining to Crime No.537 of 2024, on the file of the second respondent Police.

For Petitioner : Mr.A.Jeyakumar

For R1 and R2 : Mr.K.Sanjai Gahdhi
Government Advocate (Criminal side)



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ORDER

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This Criminal Original Petition has been filed seeking a direction to the learned II Additional District and Sessions Judge (PCR Court), Tirunelveli, to accept the surrender of the petitioner in Crime No.537 of 2024, on the file of the second respondent Police and to consider and pass orders on the bail application to be preferred by the petitioner on the same day itself.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 and perused the materials available on record.

3. 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 II Additional District and Sessions Judge (PCR Court), Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.537 of 2024, on the file of the second respondent Police and pass appropriate



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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.

4. 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.

5. With the above direction, this Criminal Original Petition stands allowed.

06.11.2024

NCC : Yes/No
Index : Yes / No
smn2

Note:- Issue order copy on 07.11.2024.

To

1.The II Additional District and Sessions Judge,
(PCR Court), Tirunelveli.



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- 2.The Deputy Superintendent of Police,
Ambasamudram,
Tirunelveli District.
- 3.The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.NIRMAL KUMAR, J.

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