



*Crl.O.P.(MD)No.19486 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.(MD)No.19486 of 2024

Rathinavelpandian

: Petitioner

Vs.

1.State rep., through  
The Deputy Superintendent of Police,  
Sankarankovil Sub Division,  
Tenkasi District.

2.The Sub Inspector of Police,  
Chinnakovilankulam Police Station,  
Tenkasi District.  
(Crime Non.142 of 2024)

3.Krishnan

: Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to direct the learned II Additional District Judge cum PCR Court, Tirunelveli to consider the bail application of the petitioner on the same day of surrender in Crime No.142 of 2024 on the file of the second respondent police.

For Petitioner

: Mr.M.Prabu

For R1 & R2

: Mr.K.Sanjai Gandhi

Government Advocate (Crl.side)



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## **ORDER**

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This Criminal Original Petition has been filed to direct the learned II Additional District Judge cum PCR Court, Tirunelveli, to accept the surrender of the petitioner in Crime No.142 of 2024 on the file of the second respondent 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 (Crl.side) appearing for the respondents 1 & 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 Judge cum PCR Court, Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.142 of 2024 on the file of the second respondent police and pass appropriate orders, in accordance with



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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.

**12.11.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
*Rmk*

**Note: Issue order copy on 13.11.2024**



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To

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- 1.The II Additional District Judge cum PCR Court,  
Tirunelveli.
- 2.The Deputy Superintendent of Police,  
Sankarankovil Sub Division,  
Tenkasi District.
- 3.The Sub Inspector of Police,  
Chinnakovilankulam Police Station,  
Tenkasi District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.NIRMAL KUMAR,J.**

*Rmk*

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