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Crl.O.P.(MD)No.22567 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22567 of 2024

Guna

: Petitioner/A2

Vs.

1.The Deputy Superintendent of Police,
Orathanadu Police Station,
Thanjavur District.

2.The State of Tamil Nadu
Rep. by The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.652 of 2024

... Respondents/Complainants

3.Karunanithi

: 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned I Additional District and Sessions Judge (Special Court for PCR Cases), Thanjavur to accept the surrender of the petitioner and consider his bail application on the same day on merit relating to Crime No.652 of 2024, dated 18.09.2024.

For Petitioners : Mr.G.Karnan

For Respondents : Mr.A.Thiruvadikumar
No.1 & 2 Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to direct the learned I Additional District and Sessions Judge (Special Court for PCR Cases), Thanjavur and to accept the surrender of the petitioner in Crime No.652 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 Additional Public Prosecutor 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 I Additional District and Sessions Judge (Special Court for PCR Cases), Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.652 of 2024



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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 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.

20.12.2024

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

Note: Issue order copy on 02.01.2025

To

1.The I Additional District and Sessions Judge
(Special Court for PCR Cases), Thanjavur.



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M.NIRMAL KUMAR,J.

Rmk

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

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