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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.01.2025**

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.255 of 2025

1.Kavitha
2.Ganesan ... Petitioners

Vs.

1.The State
Rep. by the Deputy Superintendent of Police,
Thiruchuli,
Virudhunagar.

2.The State
Rep. by the Sub Inspector of Police,
Mallanginaru Police Station,
Virudhunagar District.
(In Cr.No.266/2024)

3.Pandi. ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the Special Sessions Judge (PCR) cases, Srivilliputhur at Virudhunagar to accept the surrender and consider the bail petition to be filed by the petitioners' in Cr.No.266 of 2024 on the file of the respondent Police on the same day on merits.

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For Petitioners : Ms.A.S.Rajeswari

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the learned Special Sessions Judge (PCR) cases, Srivilliputhur at Virudhunagar, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No. 266 of 2024 on the file of the second respondent police.

2. Heard the learned counsel appearing for the petitioners, the learned Government Advocate(Crl.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 Special Sessions Judge (PCR) cases,

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Srivilliputhur at Virudhunagar, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.266 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 petitioners 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 petitioners 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.

NCC : Yes / No **08.01.2025**
Index : Yes / No

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M.NIRMAL KUMAR, J.

Sm

To:-

1. The Special Sessions Judge (PCR) cases,
   The Special Sessions Court (PCR) cases,
   Srivilliputhur at Virudhunagar.

2. The Deputy Superintendent of Police,
   Thiruchuli, Virudhunagar.

3. The Sub Inspector of Police,
   Mallanginaru Police Station,
   Virudhunagar District.

4. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.

Order made in
Crl.O.P.(MD)No.255 of 2025

Dated:
08.01.2025

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