



Crl.O.P.(MD) No.729 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD) No.729 of 2025

1.Mukesh @ Mukeshwaran

2.Dhivakar

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nannilam Division,
Thiruvarur District.
In Crime No.3 of 2025.

2.The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.
In Crime No.3 of 2025.

3.Abikannan

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to direct the learned I Additional and District Sessions Judge cum Special District Judge for PCR Cases, Thanjavur, to consider the bail application of the petitioners on the same day of their surrender in Crime No.3 of 2025 on the file of the second respondent police.



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For Petitioners : Mr.B.Senthilkumar

For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to direct the learned I Additional District and Sessions Judge cum Special District Judge for PCR Cases, Thanjavur to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.3 of 2025 dated 04.01.2025 on the file of the second respondent police

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first and respondents, 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 cum Special District Judge for PCR Cases, Thanjavur, to consider the bail application of the



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petitioners, preferably on the same day of their surrender in connection with Crime No.3 of 2025 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 disposed of.

20.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order
JEN
Issue Order copy on 24.01.2025.



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To:

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- 1.The I Additional District and Sessions Judge
cum Special District Judge for PCR Cases,
Thanjavur.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nannilam Division,
Thiruvarur District.
- 3.The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

JEN

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20.01.2025