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Crl.O.P.(MD)No.1402 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

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THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.1402 of 2025

1. Jahir Hussain @ Zakir Hussain
2. Aaji Kamsika @ Azeezunisha : Petitioners

Vs.

1. The Assistant Commissioner of Police
Tirunelveli Town
Tirunelveli

2. The Inspector of Police
Tirunelveli Town Police Station
Tirunelveli

3. Krishnamoorthy@ Mohamed Thoufiq : Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the Additional District Court No.II(PCR Act Cases) Tirunelveli to consider the bail application of their surrender on the same day, if any petition filed by the petitioners in Crime No.2 of 2025 on the file of the second respondent.

For Petitioner : Mr.P.Praveen Kumar
For Respondents : Mr.K.Sanjai Gandhi
No.1 and 2 Government Advocate(Crl.Side)



ORDER

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This Criminal Original Petition has been filed to direct the Additional District Court No.II(PCR Act Cases) Tirunelveli to consider the bail application of the petitioner on their surrender on the same day, if any petition filed by the petitioners in Crime No.2 of 2025 on the file of the second respondent.

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 Additional District Court No.II(PCR Act Cases) Tirunelveli to consider the petitioners bail application, preferably on the same day of their surrender in connection with Crime No.2 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



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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.

27.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 28.01.2025



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To

- 1.The Additional District Court No.II(PCR Act Cases) Tirunelveli
2. The Assistant Commissioner of Police
Tirunelveli Town
Tirunelveli
3. The Inspector of Police
Tirunelveli Town Police Station
Tirunelveli
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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