



Crl.O.P.(MD)No.22758 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22758 of 2024

Moorthy

.. Petitioner

Vs.

1.The State rep., by
The Deputy Superintendent of Police,
Melur Division, Melur,
Madurai District.

2.The Inspector of Police,
Keelavalavu Police Station,
Keelavalavu, Madurai District.
Crime No.277 of 2024

3.Soundar

4.Ragupathi

5.Manthaikalai

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the III Additional District and Sessions Judge/Special Court for Exclusive Trial of PCR Cases, Madurai, to consider the petitioner's bail application and dispose the same on the same day, if the petitioner surrender before the III Additional District and Sessions Judge/Special Court for Exclusive Trial of PCR Cases, Madurai, for the case registered in Crime No.277 of 2023 on the file of the second respondent dated 16.11.2024.



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Crl.O.P.(MD)No.22758 of 2024

For Petitioner : Mr.P.Santhana Krishnan
For Respondents : Mr.K.Sanjai Gandhi
No.1& 2 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the learned III Additional District and Sessions Judge/Special Court for Exclusive Trial of PCR Cases, Madurai, to consider the Bail application of the Petitioner on the same day of his surrender before the Court in connection with Crime No.277 of 2024 on the file of the respondent police.

2. Heard the learned counsel appearing for the petitioner, 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 III Additional District and Sessions Judge/Special Court for Exclusive Trial of PCR Cases, Madurai, to consider the petitioner's bail



Crl.O.P.(MD)No.22758 of 2024

application, preferably on the same day of his surrender in connection with Crime No.277 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 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.

02.01.2025

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

Note: Issue order copy on 03.01.2025



Crl.O.P.(MD)No.22758 of 2024

To

1. The III Additional District and Sessions Judge/
Special Court for Exclusive Trial of PCR Cases, Madurai.
2. The Deputy Superintendent of Police,
Melur Division, Melur,
Madurai District.
3. The Inspector of Police,
Keelavalavu Police Station,
Keelavalavu, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.22758 of 2024

M.NIRMAL KUMAR,J.

Rmk

Crl.O.P.(MD)No.22758 of 2024

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