

A.Palani vs The State Of Tamil Nadu Rep.By on 19 October, 2024

Crl.O.P. (MD)No

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17887 of 2024

A.Palani

: Petitioner/A

Vs.

1.The State of Tamil Nadu rep.by
The Deputy Superintendent of Police,
Tiruchuli Sub Division,
Virudhunagar District.

2.The Sub-Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
Crime No.155 of 2024.

3.P.Senthamil Selvan

: Responden

PRAYER : Criminal Original Petition filed under Section 528 of BNSS Criminal Procedure Code, to direct the District and Sessions Judge (Cases) Virudhunagar, to consider his bail application on the surrender of the petitioner/accused on the same day in connection with Crime No. of 2024, dated 25.09.2024 on the file of the respondent police on the same day.

For Petitioner : Mr.C.Narendren

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<https://www.mhc.tn.gov.in/judis>

Crl.O.P.

For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Crimin

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of BNSS., seeking orders, to direct the learned District and Sessions Judge (PCR Cases) Virudhunagar, to consider his bail application on the surrender of the petitioner/accused on the same day in connection with Crime No.155 of 2024, dated 25.09.2024 on the file of the respondent police on merits on the same day.

2.The petitioner is accused for the offences punishable under Sections 126(2), 296(b), 118(1), 351(3) IPC and Sections 3(l)(r) and 3(1)(s), 3(2)(va) of SC/ST (POA) Act 1989, in Crime No.155 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the State and also perused the materials available on record. <https://www.mhc.tn.gov.in/judis> Crl.O.P.(MD)No.17887 of 2024

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the first accused was arrested and released on bail. He would further submit that the injured was discharged from the hospital and that the petitioner is having one previous case.

5. 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 District and Sessions Judge (PCR Cases) Virudhunagar, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.155 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.

6. 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 <https://www.mhc.tn.gov.in/judis> Crl.O.P.(MD)No.17887 of 2024 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.

7. With the above direction, this Criminal Original Petition stands allowed.

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

das

To

- 1.The District and Sessions Judge (PCR Cases) Virudhunagar.
- 2.The Deputy Superintendent of Police, Tiruchuli Sub Division, Virudhunagar District.
- 3.The Sub-Inspector of Police, Narikudi Police Station, Virudhunagar District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

<https://www.mhc.tn.gov.in/judis> Crl.O.P.(MD)No.17887 of 2024 K.MURALI SHANKAR,J.

das Order made in Crl.O.P.(MD)No.17887 of 2024 Dated: 19.10.2024
<https://www.mhc.tn.gov.in/judis>