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Crl.O.P.(MD)No.18911 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.18911 of 2024

R.Devendran

: Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Orathanadu, Thanjavur District.

2.The Inspector of Police,
Orathanadu Police Station,
Karur District.

3.R.Ramya : Respondents

PRAAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the I Additional District Judge cum Special Judge, PCR Court, Thanjavur to consider the bail application filed by the petitioner on the same day of surrender in Crime No.729 of 2024 on the file of the Inspector of Police, Orathanadu Police Station, Thanjavur District.

For Petitioner : Mr.R.Murali

For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)
for R1 & R2.



ORDER

WEB COPY This Criminal Original Petition has been filed, invoking Section 528 of BNSS, seeking orders, to direct the learned I Additional District Judge cum Special Judge, PCR Court, Thanjavur, to consider the bail application filed by the petitioner on the same day of surrender in Crime No.729 of 2024 on the file of the Inspector of Police, Orathanadu Police Station, Thanjavur District.

2. The petitioner is accused for the offences punishable under Sections 296(b), 351(2) of BNS and Sections 3(l)(r), 3(l)(s), 3(l)(w)(i) and 3(2)(va) of SC/ST (POA) Act 1989, in Crime No.729 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 perused the materials available on record.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that no one was injured in this case and that the



petitioner is not having any previous case. He would further submit that the petitioner and the third respondent are practicing advocate.

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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 I Additional District Judge cum Special Judge, PCR Court, Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.729 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 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.



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

30.10.2024

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

To

1. The I Additional District Judge cum Special Judge, PCR Court, Thanjavur.
2. The Deputy Superintendent of Police, Orathanadu, Thanjavur District.
3. The Inspector of Police, Orathanadu Police Station, Karur District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.18911 of 2024

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