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Crl.O.P.No.25076 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.25076 of 2022

1.K.Vijay
2.K.Thamilselvan
3.K.Manikandan
4.K.Umesh Murarirav

... Petitioners

/vs/

1.The State
Rep. By the Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai District.
(Crime No.38 of 2022)

2.The Deputy Superintendent of Police,
Polur Sub Division,
Thiruvannamalai District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the petitioners to surrender and move bail application and direct the Special Court for exclusive trial of cases under the SC and ST (Prevention of Atrocities Act), 1987 and Amendment Act, 2015, Thiruvannamalai to consider their bail application on the same day in respect of Crime No.38 of 2022, on the file of the Inspector of Police, Kadaladi Police Station, Thiruvannamalai District.



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For Petitioners	...	Mr.S.B.Viswanathan
For Respondents	...	Mr.S.Santhosh
		Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the petitioners to surrender and move bail application and direct the Special Court for exclusive trial of cases under the SC and ST (Prevention of Atrocities Act), 1987 and Amendment Act, 2015, Thiruvannamalai to consider their bail application on the same day in respect of Crime No.38 of 2022, on the file of the first respondent.

2. 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 of the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the Special Court for exclusive trial of cases under the SC and ST (Prevention of Atrocities Act), 1987 and Amendment Act, 2015, Thiruvannamalai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.38 of 2022 on the file of the first respondent and pass appropriate orders in accordance with law,



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after affording due opportunity to the victims under Section 15-A of the SC/ST (POA) Act, 1989. 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.

3. 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 favourably.

4. In view of the above, the Criminal Original Petition stands allowed.

17.10.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

shk

Note: Issue order copy on 17.10.2022



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V.SIVAGNANAM ,J.

shk

To

1. The Special Court for exclusive trial of cases
under the SC and ST (Prevention of Atrocities Act), 1987
and Amendment Act, 2015, Thiruvannamalai
- 2.The Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai District.
(Crime No.38 of 2022)
- 3.The Deputy Superintendent of Police,
Polur Sub Division,
Thiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

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