



Crl.O.P.No.25083 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.25083 of 2022

Jothimani

...

Petitioner

/vs/

1.The Deputy Superintendent of Police,
Vazhapadi Range,
Salem District.

2.The Inspector of Police,
Vazhapadi Police Station,
Erode District.

(Crime No.536 of 2022)

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Court Designated Under SC/ST Prevention of Atrocity Amendment Act, (Principal Session Judge) Salem to accept the surrender of the petitioner and consequently consider the bail petition on merits on the same day in Crime No.536 of 2022 dated 29.09.2022.

For Petitioner

...

Mr.E.C.Ramesh

For Respondents

...

Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed seeking for a direction to the Special Court Designated Under SC/ST Prevention of Atrocity Amendment Act, (Principal Session Judge) Salem to accept the surrender of the petitioner and consequently consider the bail petition on merits on the same day in Crime No.536 of 2022 dated 29.09.2022.

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 Designated Under SC/ST Prevention of Atrocity Amendment Act, (Principal Session Judge) Salem, to consider the petitioner's bail application, preferably on the same day of her surrender in connection with Crime No.536 of 2022 on the file of the second respondent and pass appropriate orders in accordance with law, after affording due opportunity to the victims under Section 15-A of the SC/ST (POA) Act, 1989. 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.



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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 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 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 Designated Under SC/ST
Prevention of Atorcity Amendment Act,
(Principal Session Judge) Salem
- 2.The Deputy Superintendent of Police,
Vazhapadi Range,
Salem District.
- 3.The Inspector of Police,
Vazhapadi Police Station,
Erode District.
- 4.The Public Prosecutor,
High Court, Madras.

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