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Crl.O.P. No.26105 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P No.26105 of 2022

1. Kamesh @ Kameshwaran
2. A.Prasanth

... Petitioners

Vs.

1. State by: The Deputy Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.
- 2.The Inspector of Police,
Veraiyur Police Station, Tiruvannamalai District.
Crime No.233/2022.

3. Rajesh Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Principal Sessions Judge (Special Judge for SC/ST Act) at Tiruvannamalai to consider the petitioners' bail application on the same on their surrender in Cr.No.233/2022 pending on the file of the Deputy Superintendent of Police, Tiruvannamalai, Tiruvannamalai District.

For Petitioners : Mr.R.Mohan

For Respondents 1 & 2 : Mr.S.Santhosh
Gov. Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed for a direction to direct the **Principal Sessions Judge (Special Judge for SC/ST Act) at Tiruvannamalai**, to consider the petitioners' bail application on the same day on their surrender in **Crime No. 233 of 2022** on the file of the second respondent police.

2. When the matter is taken up for hearing, the learned counsel for the petitioner seeks permission of this court to not press the Criminal Original Petition, as far as the first petitioner is concerned.

3. Inview of the above submission and 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 Principal Sessions Judge (Special Judge for SC/ST Act) at Tiruvannamalai**, to consider the **second petitioner's bail application**, preferably on the same day on his surrender in connection with



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Crime No. 233 of 2022 on the file of the second respondent 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 second 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 second 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.

5. With the above direction, the Criminal Original Petition is allowed as far as the second petitioner is concerned and is dismissed as not pressed, as far as the first petitioner is concerned.

31.10.2022

Index:Yes/no
mst

Note: Issue order copy on 31.10.2022

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To

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- 1.The Principal Sessions Judge (Special Judge for SC/ST Act),
Tiruvannamalai
- 2.The Deputy Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.
- 3.The Inspector of Police,
Veraiyur Police Station, Tiruvannamalai District
- 4.The Public Prosecutor,
Madras High Court, Chennai-104.



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V.SIVAGNANAM, J.

mst

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