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CrI.O.P.No.25321 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.25321 of 2022

1.Ariraj @ Hariraj

2.Pushparaj

... Petitioners

/vs/

State by Inspector of Police,

Pudupettai Police Station,

Pudupettai,

Cuddalore District.

Crime No.(515/2022)

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal Sessions and District Judge, Cuddalore (Special Court for SC/ST Prevention of Atrocities Act) to accept the surrender of the petitioners concerned in Crime No.515 of 2022 on the file of the Inspector of Police, Pudupettai Police Station, Cuddalore District and consider their bail application on the same day itself.

For Petitioners

... Mr.Siva Kumar

For Respondent

... 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 learned Principal Sessions and District Judge, Cuddalore (Special Court for SC/ST Prevention of Atrocities Act) to accept the surrender of the petitioners concerned in Crime No.515 of 2022 on the file of the respondent and consider their bail application on the same day itself.

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 learned Principal Sessions and District Judge, Cuddalore (Special Court for SC/ST Prevention of Atrocities Act), to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.515 of 2022 on the file of the 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 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.



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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 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.

19.10.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

shk

Note: Issue order copy on 19.10.2022

To

1. The learned Principal Sessions and District Judge,
Cuddalore (Special Court for SC/ST Prevention of Atrocities Act)
2. The Inspector of Police,
Pudupettai Police Station,
Pudupettai,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

shk

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