



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.26312 of 2022

1.Jothi

2.Ajith @ Karunamoorthi

...

Petitioners

versus

1.The Deputy Superintendent of Police,
Tiruvallur District, Tiruvallur.

2.The Inspector of Police,
Vengal Police Station,
Tiruvallur District.
(Crime No.325 of 2022)

3.Nithin

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to direct the Special Court for SC & ST Act Cases at Tiruvallur to consider the bail application of the petitioners concerned in Crime No.325 of 2022 on the file of the Inspector of Police, Vengal Police Station, Tiruvallur District on their surrender on the same day on such terms and conditions.



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Crl.O.P.No.26312 of 2022



For Petitioners : Mr.R.Rajadurai
For Respondent Nos.1 & 2 : Mr.S.Santhosh
Government Advocate (Crl. Side)
For Respondent No.3 / : Mr.V.Parthiban
Intervenor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the Special Court for SC & ST Act Cases, Tiruvallur, to consider the bail application filed by the petitioners on their surrender on one and the same day in Crime No.325 of 2022 on the file of the second respondent police.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondents 1 and 2.

3. The learned counsel for the intervenor submitted that he wishes to implead the *de facto* complainant also in order to raise her objection.



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4. 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 misuse of the stringent provision against innocent persons, there shall be a direction to the Special Court for SC & ST Act Cases at Tiruvallur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.325 of 2022 on the file of the second respondent police 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 receipt of a copy of this order. Since the direction is given just to consider the bail application on one and the same day, the *de facto* complainant is not precluded to make his objection, if any, while the bail application is being considered by the learned Special Judge himself.

5. 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 appropriate orders in accordance with law.

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

01.11.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

Note : Issue Order Copy by Today i.e. on 01.11.2022

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To
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- 1.The Special Court for SC & ST Act Cases at Tiruvallur.
- 2.The Deputy Superintendent of Police,
Tiruvallur District, Tiruvallur.
- 3.The Inspector of Police,
Vengal Police Station,
Tiruvallur District.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.O.P.No.26312 of 2022



R.N.MANJULA, J.

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Crl.O.P.No.26312 of 2022

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