



Crl.O.P.No.26514 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.26514 of 2022

Mahendiran

... Petitioner

/vs/

1.The Deputy Superintendent of Police,
Uthangarai,
Krishnagiri District.

2.State Rep by
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
Cr.No.384 of 2022.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Sessions Judge (Special Court for SC/ST (POA) Act) at Krishnagiri, to consider the petitioner's bail application on the same day in connection with the Crime No.384 of 2022, on the file of the second respondent herein upon surrender of the petitioner before them.

For Petitioner ... Mr.R.Balakrishnan

For Respondents ... Mr.S.Santhosh
Govt. Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to direct the Sessions Judge (Special Court for SC/ST (POA) Act) at Krishnagiri, to consider the petitioner's bail application on the same day in connection with the Crime No.384 of 2022, on the file of the second respondent herein upon surrender of the petitioner before them.

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 misuse of the stringent provision against innocent persons, there shall be a direction to the learned Sessions Judge (Special Court for SC/ST (POA) Act) at Krishnagiri, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with the Crime No.384 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.

02.11.2022

Index: Yes/No
Internet: Yes/No
gsk



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To

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



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R.N.MANJULA ,J.

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