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Crl.O.P.No.26549 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.26549 of 2022

1.M.Gunasekar

2.G.Manjunath

... Petitioners

/vs/

State Rep by
The Inspector of Police,
Thally Police Station,
Thally, Krishnagiri District - 635118
Cr.No.267 of 2022.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal District and Sessions Judge, Krishnagiri to accept the surrender of the petitioners/accused herein before them concerned in Crime No.267 of 2022 on the file of the Inspector of Police, Thally Police Station, Thally, Krishnagiri District – 635 118 and consider the bail petition on the same day itself.

For Petitioners ... Ms.D.N.Dhurgasha

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



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ORDER

This Criminal Original Petition has been filed to direct the learned Principal District and Sessions Judge, Krishnagiri to accept the surrender of the petitioners/accused herein in Crime No.267 of 2022 on the file of the Inspector of Police, Thally Police Station, Thally, Krishnagiri District – 635 118 and consider the bail petition 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 misuse of the stringent provision against innocent persons, there shall be a direction to the Principal District and Sessions Judge, Krishnagiri, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with the Crime No.267 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.

02.11.2022

Index: Yes/No
Internet: Yes/No
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To

1.The Principal District and Sessions Judge,
Krishnagiri.

2.The Inspector of Police,
Thally Police Station,
Thally, Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.

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R.N.MANJULA ,J.

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