



WEB COPY



Crl.O.P.No.26540 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.26540 of 2022

P.Palanisamy

... Petitioner

/vs/

State Rep by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
Cr.No.631 of 2022.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Court for Exclusive Trial of Cases under the SC and ST (Prevention of Atrocities Act) 1987 and Amendment Act 2015, Namakkal to consider the petitioner's bail application on the same day in respect of Crime No.631 of 2022 on the file of the Inspector of Police, Namakkal Police Station, Namakkal District.

For Petitioner ... Mr.N.Vijaya Basker

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



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ORDER

This Criminal Original Petition has been filed to direct the Special Court for Exclusive Trial of Cases under the SC and ST (Prevention of Atrocities Act) 1987 and Amendment Act 2015, Namakkal to consider the petitioner's bail application on the same day in respect of Crime No.631 of 2022 on the file of the Inspector of Police, Namakkal Police Station, Namakkal District.

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 Special Court for Exclusive Trial of Cases under the SC and ST (Prevention of Atrocities Act) 1987 and Amendment Act 2015, Namakkal, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with the Crime No.631 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 petitioner shall surrender before the concerned Jurisdictional



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Court, within a period of fifteen days from the date of the receipt of a copy of this Order.

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



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R.N.MANJULA ,J.

gsk

- 1.The Special Court for Exclusive Trial of Cases
under the SC and ST (POA) Act,
Namakkal.
- 2.The Inspector of Police,
Namakkal Police Station,
Namakkal District.
- 3.The Public Prosecutor,
High Court, Madras.

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