



WEB COPY



Crl.O.P.No.26541 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.26541 of 2022

Vijay Thanikachalam

... Petitioner

/vs/

State Rep by
The Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District.
Cr.No.259 of 2022.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Scheduled Case / Scheduled Tribe Special Court, Cuddalore to consider the petitioner's bail application on the very same day in Crime No.259 of 2022 pending on the file of the respondent police.

For Petitioner ... Ms.Felina Jacquelin

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

ORDER

This Criminal Original Petition has been filed to direct the learned Scheduled Case / Scheduled Tribe Special Court, Cuddalore to consider



CrI.O.P.No.26541 of 2022

the petitioner's bail application on the very same day in Crime No.259 of 2022 pending on the file of the respondent police.

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 Scheduled Case / Scheduled Tribe Special Court, Cuddalore, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with the Crime No.259 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 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



Crl.O.P.No.26541 of 2022

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 Scheduled Case / Scheduled
Tribe Special Court, Cuddalore.
- 2.The Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.



Crl.O.P.No.26541 of 2022

R.N.MANJULA ,J.

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Crl.O.P.No.26541 of 2022

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