



WEB COPY



Crl.O.P.No.26511 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

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- 1.Balaji
- 2.Nanthakumar
- 3.Ananth
- 4.Karunakaran
- 5.Aravinth
- 6.Thavamani
- 7.Mani
- 8.Manikandan
- 9.Mathiyazhagan @ Mathivanan
- 10.Saravanan
- 11.Thanjiyappan

... Petitioners

/vs/

- 1.The Deputy Superintendent,
Kalasappakkam,
Tiruvannamalai District.

- 2.State Rep by
The Sub Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai.
Cr.No.347 of 2022.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. To direct the Principal District and Sessions Judge (Special Court



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for SC/ST Act) at Tiruvannamalai, to accept the surrender of the petitioners in connection with the Crime No.347 of 2022, on the file of the respondent police and to consider and pass orders in the Bail Application on the same day.

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Principal District and Sessions Judge (Special Court for SC/ST Act) at Tiruvannamalai to consider the bail application on surrendering and filing of the bail application by the petitioners on the same day in Crime No.347 of 2022 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 learned Principal District and Sessions Judge (Special Court for SC/ST Act), Tiruvannamalai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.347 of 2022



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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.

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
gsk



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R.N.MANJULA ,J.

gsk

To

1.The Principal District and Sessions Judge
(Special Court for SC/ST Act),
Tiruvannamalai.

2.The Deputy Superintendent,
Kalasappakkam,
Tiruvannamalai District.

3.The Sub Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai.

4.The Public Prosecutor,
High Court, Madras.

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