



CrI.O.P.No.26735 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.26735 of 2022

1.Prakash
2.Sudhakar
3.Vijayakumar

...Petitioners

vs.

1. The Deputy Superintendent of Police
Thirukoilur Sub Division
Kallakurichi District.

2. The State rep. by
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the Special Court for SC & ST Cases, Villupuram to consider the bail application of the petitioners on the date of their surrender before the court in connection with Crime No.414 of 2022 on the file of the 2nd respondent police.



CrI.O.P.No.26735 of 2022

For Petitioners : Mr.K.Sudhakar

For Respondent : Mr.S.Santhosh
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the Special Court for SC & ST Act Cases, Villupuram, to consider the bail application filed by the petitioners on their surrender on one and the same day in Crime No.414 of 2022 on the file of the 2nd 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 Special Court for SC & ST Act Cases, Villupuram, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.414 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



CrI.O.P.No.26735 of 2022

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, this Criminal Original Petition stands allowed.

04.11.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order

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Note: Issue order copy on 07.11.2022

R.N.MANJULA ,J.

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Crl.O.P.No.26735 of 2022

To
WEB COPY

1. The Special Court for SC & ST Cases, Villupuram
2. The Deputy Superintendent of Police
Thirukoilur Sub Division
Kallakurichi District.
3. The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.26735 of 2022

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