



Crl.O.P.No.27398 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.27398 of 2022

Kanagarasu

... Petitioner

vs.

1.The Deputy Superintendent of Police,
Perambalur District.

2.The State Rep.by its
Inspector of Police,
Manalmedu Police Station,
Perambalur District.
(Crime No.406 of 2022)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the learned Special Court for the Exclusive Trial of SC and ST Cases Perambalur to accept the surrender of the petitioner and consider the petitioner's bail application on the same day in Crime No.406 of 2022 on the file of the respondent police.

For Petitioner : Mr.T.Gobinath
For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the learned Special Court for the Exclusive Trial of SC and ST Cases, Perambalur to accept the surrender of the petitioner and consider the petitioner's bail application on the same day in Crime No.406 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 Special Court for the Exclusive Trial of SC and ST Cases Perambalur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.406 of 2022 on the file of the respondent police 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.



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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 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, this Criminal Original Petition stands allowed.

09.11.2022

Index: Yes/No
Internet: Yes/No
gsk



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R.N.MANJULA ,J.

gsk

To

- 1.The Deputy Superintendent of Police,
Perambalur District.
- 2.The Inspector of Police,
Manalmedu Police Station,
Perambalur District.
- 3.The Public Prosecutor,
High Court, Madras.

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