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Crl.O.P.No.27473 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.27473 of 2022

1.S.Salman @ Mohammed Salman
2.F.Bilal

...Petitioners

vs.

1. The Deputy Superintendent of Police
Kallakurichi
Kallakurichi District.

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

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the Special Court for Exclusive Trial of Cases registered SC/ST (POA), Villupuram, to accept the surrender of the petitioners and to consider the bail petition on the same day in Crime No.134 of 2022 on the file of the 2nd respondent police.



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For Petitioners : Mr.T.Balachandran

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the the Special Court for Exclusive Trial of Cases registered SC/ST (POA), Villupuram, to consider the bail application filed by the petitioners on their surrender on one and the same day in Crime No.134 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 Exclusive Trial of Cases registered SC/ST (POA), Villupuram, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.134 of 2022 on the file of the 2nd respondent and pass appropriate orders in accordance with law, after



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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, this Criminal Original Petition stands allowed.

10.11.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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Note: Issue order copy on 10.11.2022

R.N.MANJULA ,J.



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To

1. The Special Court for Exclusive Trial of Cases registered SC/ST (POA),
Villupuram
2. The Deputy Superintendent of Police
Kallakurichi
Kallakurichi District.
3. The State rep. by
The Inspector of Police,
Tirupalapanthal Police Station,
Kallakurichi District
4. The Public Prosecutor,
High Court, Madras.

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