



CrI.O.P.No.27483 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.27483 of 2022

Shanmugam @ Shanmugavadivel

...Petitioner

vs.

The State rep. by  
The Sub Inspector of Police,  
Thingalur Police Station,  
Erode District.

...Respondent

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the learned District and Sessions Judge, (Special Judge for SC/ST (Prevention of Atrocities) Act), Erode, to consider the bail application filed by the petitioner on his surrender on one and the same day in Crime No.176 of 2022 on the file of the respondent police.

For Petitioner : Mr.C.Munusamy

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

**ORDER**



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**WEB COPY** This Criminal Original Petition has been filed seeking for a direction to the learned District and Sessions Judge, (Special Judge for SC/ST (Prevention of Atrocities) Act), Erode, to consider the bail application filed by the petitioner on his surrender in one and the same day in Crime No.176 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 District and Sessions Judge, (Special Judge for SC/ST (Prevention of Atrocities) Act), Erode, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.176 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



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fifteen days from the date of the receipt of a copy of this Order.

WEB COPY

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.

**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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WEB COPY To

1. The District and Sessions Judge, (Special Judge for SC/ST (Prevention of Atrocities) Act), Erode.
2. The Sub Inspector of Police,  
Thingalur Police Station,  
Erode District.
3. The Public Prosecutor,  
High Court, Madras.

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