



WEB COPY



Crl.O.P.No.28008 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.28008 of 2022

Thivagar

...

Petitioner

/vs/

1. Deputy Superintendent of Police,
Mayiladuthurai,
Mayiladuthurai District.

2. State represented by
the Inspector of Police,
Sembanarkoil Police Station,
Mayiladuthurai District.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Principal District and Sessions Judge, Nagapattinam District to consider the bail application of the petitioners on the same day of surrender in Crime No.286 of 2022 before the Court on the file of the 2nd respondent police.

For Petitioners
For Respondent

... Mr. N. Chinnaraj
... Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

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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 misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned Principal District and Sessions Judge, Nagapattinam District to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.286 of 2022 on the file of the 2nd 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 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, the Criminal Original Petition stands allowed.

16.11.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

msr

Note: Issue order copy on 16.11.2022



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To

1. Deputy Superintendent of Police,
Mayiladuthurai,
Mayiladuthurai District.
2. State represented by
the Inspector of Police,
Sembanarkoil Police Station,
Mayiladuthurai District.
3. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

msr

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