



Crl.O.P.No.28122 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.28122 of 2022

1.Arivalagan
2.Ari @ Harikrishnan
3.Thangaraj @ Thangarasu
4.Anbalagan @ Anbazhagan ... Petitioners

/vs/

1.The Deputy Superintendent of Police, (DSP)
Chengam Sub Division,
Thiruvannmalai District.
2.State by,
The Inspector of Police,
Chengam Police Station,
Thiruvannamalai District.
Crime No.786 of 2021 ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Principal District Sessions Judge, (Special Judge for SC/ST Act Cases), Thiruvannamalai to consider the bail petition on the same day on the event of petitioners' surrenders and seeks bail in the case pending enquiry in Crime No.786 of 2021 on the file of the Inspector of Police, Chengam Police Station, Thiruvannamalai District.



Crl.O.P.No.28122 of 2022

For Petitioners ... Mr.S.Silambu Selvan
For Respondents ... Mr.S.Santhosh
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the Principal District Sessions Judge, (Special Judge for SC/ST Act Cases), Thiruvannamalai to consider the bail petition on the same day in the event of petitioners' surrender and seeks bail in the case pending enquiry in Crime No.786 of 2021 on the file of the second respondent.

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 Sessions Judge, (Special Judge for SC/ST Act Cases), Thiruvannamalai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.786 of 2021 on the file of the second 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



Crl.O.P.No.28122 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, the Criminal Original Petition stands allowed.

17.11.2022

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

shk

Note: Issue order copy on 17.11.2022



WEB COPY



Crl.O.P.No.28122 of 2022

V.SIVAGNANAM ,J.

shk

To

1. The Principal District Sessions Judge,
(Special Judge for SC/ST Act Cases), Thiruvannamalai
2. The Deputy Superintendent of Police, (DSP)
Chengam Sub Division,
Thiruvannmalai District.
3. The Inspector of Police,
Chengam Police Station,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.28122 of 2022

17.11.2022