



Crl.O.P.No.28765 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 23.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.28765 of 2022

Mahendiran

...Petitioner

vs.

1. The State, Rep. by
The Deputy Superintendent of Police
O/o. The Deputy Superintendent of Police
Perambalur

2. The State rep. by
The Inspector of Police,
Kunnam Police Station
Perambalur District.

3.Murugan

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the learned Sessions Judge, Special Court for SC/ST (POA) Act Cases, at Perambalur to accept the surrender of the petitioner and consider his bail application on the same day in Crime No.370 of 2022 on the file of the 2nd respondent.



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For Petitioner : Mr.M.Vijaya Ragavan

For Respondents : Mr.S.Santhosh for R1 & R2
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Sessions Judge, Special Court for SC/ST (POA) Act Cases, at Perambalur, to consider the bail application filed by the petitioner on his surrender on one and the same day in Crime No.370 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 learned Sessions Judge, Special Court for SC/ST (POA) Act Cases, at Perambalur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.370 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



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(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.

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.

23.11.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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Note: Issue order copy on 23.11.2022

R.N.MANJULA ,J.



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WEB COPY To

1. The learned Sessions Judge, Special Court for SC/ST (POA) Act Cases,
at Perambalur
2. The Deputy Superintendent of Police
O/o. The Deputy Superintendent of Police
Perambalur
3. The Inspector of Police,
Kunnam Police Station
Perambalur District.
4. The Public Prosecutor,
High Court, Madras.

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