

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.28779 of 2022

- 1.Kala @ Kalaiyarasi
- 2.Ammasi @ Ravi
- 3.Rajathi
- 4.Latha

...Petitioners

vs.

1. The Deputy Superintendent of Police
Salem District.
2. The State rep. by
The Inspector of Police,
Tholasampatty Police Station
Salem District.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the learned Principal District and Sessions Judge, Salem (Special Judge for SC/ST Act Cases) to consider the bail application of the petitioners concerned in Crime No.216 of 2022 pending trial on the file of the 2nd respondent police on their surrender on the same day.

For Petitioners : Mr.C.Prabakaran

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the learned Principal District and Sessions Judge, Salem (Special Judge for SC/ST Act Cases), to consider the bail application filed by the petitioners on their surrender on one and the same day in Crime No.216 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 Principal District and Sessions Judge (Special Judge for SC/ST Act Cases), Salem, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.216 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 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.

23.11.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

uma

Note: Issue order copy on 23.11.2022

R.N.MANJULA ,J.

uma

To

1. The Principal District and Sessions Judge (Special Judge for SC/ST Act Cases), Salem
2. The Deputy Superintendent of Police
Salem District.
3. The Inspector of Police,
Tholasampatty Police Station
Salem District.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.28779 of 2022

23.11.2022