



Crl.O.P.No.28944 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.28944 of 2022

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... Petitioner

vs.

State Rep. by its:

1. The Deputy Superintendent of Police,
Rasipuram,
Namakkal District.

2. The Inspector of Police,
Belukurichi Police Station,
Namakkal District.
(Cr. No.310 of 2020)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the learned Special Court for SC/ST Act cases, Namakkal to consider the bail application filed by the petitioner on his surrender in connection with Cr. No.310 of 2020 on the file of the second respondent police on the same day.

For Petitioners : Mr.W.Camyles Gandhi
For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the learned Special Court for SC/ST Act cases, Namakkal to consider the bail application filed by the petitioner on his surrender in connection with Cr. No.310 of 2020 on the file of the second respondent police on the same day.

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 Special Court for SC/ST Act cases, Namakkal, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.310 of 2020 on the file of the respondent police 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 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.

25.11.2022

Index: Yes/No

Internet: Yes/No

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To

1. The Deputy Superintendent of Police,
Rasipuram,
Namakkal District.

2. The Inspector of Police,
Belukurichi Police Station,
Namakkal District.

3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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