



WEB COPY



CrI.O.P.No.29387 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.29387 of 2022

1. Prasanth
2. Kaviyarasan
3. Dayanithi
4. Jaganathan

... Petitioners

Vs.

1. The Deputy Superintendent of Police,
Vaniyambadi, Thirupathur District.

2. State rep. by
the Inspector of Police,
Thimmampettai Police Station,
Thimmampettai, Vellore District.
(Crime No.143 of 2022)

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the learned Sessions Judge, Special Court for Trial of cases under SC/ST (POA) Act, Vellore to consider the bail application on the same day on their surrender and file a bail application in Crime No.143 of 2022 on the file of the Inspector of Police, Thimmampettai Police Station, Thirupathur District.

For Petitioners : Mr.C.Vinoth kumar

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



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ORDER

The Criminal Original Petition has been filed seeking for a direction to the learned Sessions Judge, Special Court for Trial of cases under SC/ST (POA) Act, Vellore to consider the bail application filed by the petitioners on their surrender on one and the same day in Crime No.143 of 2022 on the file of the 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 Trial of cases under SC/ST (POA) Act, Vellore, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.143 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.



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3. It is needless to state 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.

30.11.2022

Index: Yes/No
Speaking/Non speaking order
vum

To

1. The Sessions Judge,
Special Court for Trial of cases
under SC/ST (POA) Act,
Vellore.
2. The Deputy Superintendent of Police,
Vaniyambadi, Thirupathur District.
3. The Inspector of Police,
Thimmampettai Police Station,
Thimmampettai, Vellore District.
3. The Public Prosecutor,
High Court, Madras.

R.N.MANJULA ,J.



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