



WEB COPY



Crl.O.P.No.29544 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.29544 of 2022

Sivasankar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Erode Town, Erode District.

2.The Inspector of Police,
Modakuruchi Police Station,
Erode District.
(Crime No.260 of 2022)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the learned Principal District and Sessions Judge/Special Courts for SC/ST Cases, Erode to consider the bail application of the petitioner herein on the very same day of surrender pertaining to the Crime No.260 of 2022 on the file of the Modakuruchi Police Station, Erode District by appreciating the above stated facts and circumstances.

For Petitioner : Mr.C.Ramaraj

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



Crl.O.P.No.29544 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed to direct the learned Principal District and Sessions Judge, Special Courts for SC/ST Cases, Erode to consider the bail application of the petitioner herein in Crime No.260 of 2022 on the file of the Modakuruchi Police Station, Erode District on his surrender 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 Principal District and Sessions Judge, Special Courts for SC/ST Cases), Erode to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.260 of 2022 on the file of the respondent police and pass appropriate orders in accordance with law, after affording due opportunity to the victim 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.



Crl.O.P.No.29544 of 2022

WEB COPY

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.

01.12.2022

Index: Yes/No

Speaking/Non-Speaking order
kmi

To

1.The Deputy Superintendent of Police,
Erode Town, Erode District.

2.The Inspector of Police,
Modakuruchi Police Station,
Erode District.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.29544 of 2022

R.N.MANJULA, J.

kmi

Crl.O.P.No.29544 of 2022

01.12.2022