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Crl.O.P.No.30109 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30109 of 2022

1.L.Murugan

2.M.Murugan

...

Petitioners

/vs/

State Rep by

The Inspector of Police,

Vaniyambadi Taluk Police Station,

Thirupathur District.

(Crime No.316 of 2019)

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Court SC/ST Act cases at Vellore to consider the petitioners bail petition on the same day of their surrender before the Court in connection with the Crime No.316 of 2022 on the file of the respondent police.

For Petitioners

...

Mr.S.Thirugnanam

For Respondent

...

Mr.S.Santhosh

Government Advocate (crl.side)



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ORDER

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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 misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned Special Court SC/ST Act cases at Vellore, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.316 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 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, the Criminal Original Petition stands allowed.

06.12.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

shk



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G.CHANDRASEKHARAN, J.

shk

To

1. The Special Court SC/ST Act cases at Vellore
2. The Inspector of Police,
Vaniyambadi Taluk Police Station,
Thirupathur District.
3. The Public Prosecutor,
High Court, Madras.

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