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Crl.O.P.No.29774 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.29774 of 2022

L.Elanchezhiyan

...Petitioner

vs.

The State:

The Sub Inspector of Police,

Chinna Salem Police Station

Chinna Salem

Kallakurichi Taluk & District.

...Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the learned Principal Sessions Judge, Special Court for SC/ST (POA) Act Cases, Villupuram to consider the petitioner's bail application on the same day of his surrender in connection Crime No.326 of 2022 on the file of the respondent police.

. For Petitioner : Mr.G.Ramadurai

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



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ORDER

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This Criminal Original Petition has been filed seeking for a direction to the learned Principal Sessions Judge, Special Court for SC/ST (POA) Act Cases, Villupuram, to consider the bail application filed by the petitioner on his surrender on one and the same day in Crime No.326 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 Principal Sessions Judge, Special Court for SC/ST (POA) Act Cases, Villupuram, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.326 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 petitioner shall surrender before the concerned Jurisdictional Court, within a period of fifteen days from the date



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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 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.

02.12.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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Note: Issue order copy on 02.12.2022

R.N.MANJULA ,J.



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To

1. The Principal Sessions Judge, Special Court for SC/ST (POA) Act Cases,
Villupuram

2. The Sub Inspector of Police,
Chinna Salem Police Station
Chinna Salem
Kallakurichi Taluk & District.

3. The Public Prosecutor,
High Court, Madras.

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