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CrI.O.P.No.30262 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30262 of 2022

1.Raj

2.Vanitha

... Petitioners

Vs.

State represented by

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

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

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct Special Court for SC/ST Act cases, Namakkal to consider the bail application filed by the petitioners on their surrender in connection with Crime No.310 of 2020 on the file of the 2nd respondent police on the same day.

For Petitioners : M/s.W.Camyles Gandhi

For Respondents : Mr.S.Santhosh

Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition has been filed to direct Special Court for SC/ST Act cases, Namakkal to consider the bail application filed by the petitioners on their surrender in connection with Crime No.310 of 2020 on the file of the 2nd respondent police on the same day.

2.Petitioners are second and third accused in this case. The allegation against the petitioners is that they abused the defacto complainant in a filthy language using her caste name.

3.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 for SC/ST Act cases, Namakkal, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.310 of 2020 on the file of the second respondent police and pass appropriate orders in accordance with law, after affording due opportunity to



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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.

4. 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.

5. In view of the above, the Criminal Original Petition stands allowed.

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Index:Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN.J.,

ep

To

- 1.The Deputy Superintendent of Police,
Rasipuram,
Namakkal District.
- 2.The Inspector of Police,
Belukurichi Police Station,
Namakkal District.
(Crime No.310 of 2020)
3. The Public Prosecutor,
High Court of Madras.

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