



Crl.O.P.No.30391 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30391 of 2022

Naveen Kumar

... Petitioner

Vs.

1.State of Tamil Nadu

Represented by Deputy Superintendent of Police,
Attur,
Salem District.

2.The Inspector of Police,
Attur Rural Police Station,
Salem District.

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Principal District and Sessions Court, Salem, Salem District to consider the petitioner's bail application on his surrender in Crime.No.338 of 2022 pending on the file of the Inspector of Police, Attur Rural Police Station, Salem District.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.S.Santhosh

Government Advocate (Criminal side)



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ORDER

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This Criminal Original Petition has been filed to direct the learned Principal District and Sessions Court, Salem to accept the surrender petition and Bail petition filed by the petitioner and consider the bail petition on the same day on merits in connection with Crime.No.338 of 2022 on the file of the Inspector of Police, Attur Rural Police Station, Salem District.

2.The case of the prosecution is that the petitioner due to previous enmity had a wordy quarrel with the defacto complainant and his family members. It is also alleged that the petitioner abused the defacto complainant and his family members with filthy language and attacked them with stone. Hence, the complaint.

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 Principal District and Sessions Court, Salem, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime.No.338



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of 2022 on the file of the second 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 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 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.

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

08.12.2022

Index:Yes/No
Speaking/Non speaking order

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G.CHANDRASEKHARAN.J.,

gd

To

- 1.The Deputy Superintendent of Police,
Attur,
Salem District.
- 2.The Inspector of Police,
Attur Rural Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras.

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