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CrI.O.P.No.30447 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30447 of 2022

Sathish

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Salem, Salem District.

2.The Inspector of Police,
Athur Rural Police Station,
Athur T.K.Salem District.

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Sessions Court for SC/ST Act Salem, to consider the Bail application of this petitioner on the same day in the event of their arrest or on surrender in connection with the Crime No.338 of 2022 on the file of the 2nd respondent.

For Petitioner : M/s.R.Lokeshwaran

For Respondents : Mr.S.Santhosh

Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to direct the Sessions



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Court for SC/ST Act Salem, to consider the Bail application of the petitioner on the same day in the event of his arrest or on surrender in connection with the Crime No.338 of 2022 on the file of the 2nd respondent.

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 for SC/ST Act cases, Namakkal, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.338 of 2022 on the file of the second 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.

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



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bail petition on the same day, does not amount to consider it favourably.

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4.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.,

To

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

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