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Crl.O.P.No.30930 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30930 of 2022

Madhubalan

... Petitioner

vs.

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

2. State represented by,
The Inspector of Police,
Attur Rural Police Station,
Salem District.
(Crime No.338 of 2022)

3. Sasikumar

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal Sessions Judge, Salem, to consider the petitioner's bail application in Crime No.338 of 2022 on the same day.

For Petitioner : Mr.L.Mouli
For Respondents : Mr.S.Santhosh
1 & 2 Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Principal Sessions Judge, Salem, to consider the petitioner's bail application in Crime No.338 of 2022 on the file of the second respondent police, on the same day.

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 Principal Sessions Judge, Salem 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 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.



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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, the Criminal Original Petition stands allowed.

15.12.2022

Index: Yes/No

Internet: Yes/No

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To

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



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G.CHANDRASEKHARAN, J.

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