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Crl.O.P.No.31478 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31478 of 2022

1.K.Karthik

2.S.Sabeer

3.M.Balakrishnan

...

Petitioners

/vs/

1.The Deputy Superintendent of Police,
Tindivanam,
Villupuram District.

2.State rep. By:

The Inspector of Police,
Tindivanam Police Station,
Villupura District,
(Crime No.454 of 2022)

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Court for SC/ST case Act Villupuram to consider the bail application sympathetically and pass orders on merits on the same day on the petitioners surrender in connection with Crime No.454/2022 pending before the respondent police.

For Petitioners

... Mr.G.Tamilselvan

For Respondents

... Mr.S.Santhosh,
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed seeking for a direction to the Special Court for SC/ST case Act Villupuram to consider the bail application of the petitioners and pass orders on merits on the same day their surrender in connection with Crime No.454 of 2022 pending on the file of the second 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 misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the Special Court for SC/ST case Act Villupuram to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.454 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 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.



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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 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.

4. In view of the above, the Criminal Original Petition stands disposed of.

20.12.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

shk

To

1. The Special Court for SC/ST case Act Villupuram
2. The Deputy Superintendent of Police,
Tindivanam,
Villupuram District.
3. The Inspector of Police,
Tindivanam Police Station,
Villupura District,
4. The Public Prosecutor,
High Court, Madras.

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