



Crl.O.P.No.31874 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.31874 of 2022

Ponnusamy Gounder @ Ponnusamy.K

... Petitioner

vs.

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

2.The State Rep by
The Inspector of Police,
Kadathur Police Station,
Erode.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the Special Court for trial of cases under SC & ST (Prevention of Atrocities) Act 1989, Erode to consider the bail application of the petitioners on the same day of surrender in Crime No.398 of 2022 on the file of the second respondent.

For Petitioner : Mr.V.P.Sengottuvel
For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the Special Court for trial of cases under SC & ST (Prevention of Atrocities) Act 1989, Erode to consider the bail application of the petitioners on the same day of surrender in Crime No.398 of 2022 on the file of the second 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 misuse of the stringent provision against innocent persons, there shall be a direction to the learned Special Court for trial of cases under SC & ST (Prevention of Atrocities) Act 1989, Erode, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.398 of 2022 on the file of the respondent police 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.

3. It is needless to say that the Court below while disposing the bail



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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, this Criminal Original Petition stands allowed.

23.12.2022

Index: Yes/No
Internet: Yes/No
gsk

To

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

2.The Inspector of Police,
Kadathur Police Station,
Erode.

3.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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