



CrI.O.P.No.31855 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.31855 of 2022

1.Vinoth Kumar.C

2.Dinesh Kumar.K

... Petitioners

vs.

1.The Assistant Commissioner of Police,
Avadi,
Ambattur Police District,
Chennai.

2.State Rep.by
The Inspector of Police,
Avadi Police Station,
Ambattur District,
Chennai.

(Crime No.2005 of 2021)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the learned Special Court for the Exclusive Trial of SC and ST Cases, Tiruvallur to consider the bail application of the petitioners on the same day in the event of their surrender in connection with Crime No.2005 of 2021 on the file of the second respondent police.

For Petitioners : Mr.C.S.Saravanan
For Respondents : Mr.S.Santhosh,
Govt. Advocate (CrI.Side)

ORDER



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This Criminal Original Petition has been filed to direct the learned Special Court for the Exclusive Trial of SC and ST Cases, Tiruvallur to consider the bail application of the petitioners on the same day in the event of their surrender in connection with Crime No.2005 of 2021 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 misuse of the stringent provision against innocent persons, there shall be a direction to the learned Special Court for the Exclusive Trial of SC and ST Cases, Tiruvallur, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.2005 of 2021 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 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, this Criminal Original Petition stands allowed.

23.12.2022

Index: Yes/No
Internet: Yes/No
gsk



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R.N.MANJULA ,J.

gsk

To

1.The Assistant Commissioner of Police,
Avadi,
Ambattur Police District,
Chennai.

2.The Inspector of Police,
Avadi Police Station,
Ambattur District,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

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