



Crl.O.P.No.32189 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.32189 of 2022

M.Chandra Mohan @ Mohan

... Petitioner

vs.

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

2.State Rep by
The Inspector of Police,
Tindivanam Police Station,
Villupuram District.
(Crime No.454 of 2022)

3.Jancirani

... 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 petitioner's surrender in connection with Cr.No.454 of 2022 pending before the respondent police.

For Petitioner : Mr.R.Venkatesh
For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



CrI.O.P.No.32189 of 2022

ORDER

This Criminal Original Petition has been filed 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 petitioner's surrender in connection with Cr.No.454 of 2022 pending before the 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 the Special Court for SC/ST Case Act Villupuram, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.454 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.



Crl.O.P.No.32189 of 2022

3. It is needless to state 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, this Criminal Original Petition stands allowed.

23.12.2022

Index: Yes/No

Internet: Yes/No

gsk

To

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

2.The Inspector of Police,
Tindivanam Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.O.P.No.32189 of 2022

R.N.MANJULA ,J.

gsk

CrI.O.P.No.32189 of 2022

23.12.2022