



Crl.O.P.No.32105 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.32105 of 2022

1.Krishnamoorthy
2.Vasanthi

... Petitioners

Vs.

1.State Rep by
The Assistant Commissioner of Police,
Annathanapatti Range,
Salem City.

2.The Inspector of Police,
All Women Police Station,
Salem Town, Salem.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the Trial Court, learned Principal District and Sessions Judge (Special Judge under SC/ST Act) Salem to consider the bail application preferred by these petitioners in Crime No.67 of 2022 dated 18.12.2022 on the file of the respondents herein on the same day of their surrender before the said Court.

For Petitioners : Mr.R.Sankarasubbu
For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to direct the Trial Court, learned Principal District and Sessions Judge (Special Judge under SC/ST Act) Salem to consider the bail application preferred by these petitioners in Crime No.67 of 2022 dated 18.12.2022 on the file of the respondents herein on the same day of their surrender before the said Court.

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 Principal District and Sessions Judge (Special Judge under SC/ST Act) Salem, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.67 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 petitioners shall surrender before the concerned Jurisdictional Court, within a period of fifteen days from the date



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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,
Annathanapatti Range,
Salem City.
- 2.The Inspector of Police,
All Women Police Station,
Salem Town, Salem.
- 3.The Public Prosecutor,
High Court, Madras.

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