



Crl.O.P.No.32471 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **28.12.2022**

CORAM

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.32471 of 2022

1.Sakthi @ Sakthikumaran
2.Siva @ Sivabalan

... Petitioners

VS.

1.Superintendent of Police (West),
Office of the Superintendent of Police,
Villiyannur,
Pondicherry.

2.The State represented by
The Sub Inspector of Police,
Nettapakkam Police Station,
Puducherry.
(Crime No.137 of 2022)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned II Additional District and Sessions Judge, Puducherry to consider the bail application on the same day of surrender of the petitioners concerned in Crime No.137 of 2022 on the file of the second respondent.

For Petitioners : Mr.S.Veeraraghavan
For Respondents : Mr.Bala Muruganee
Public Prosecutor (Puducherry)



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ORDER

WEB COPY This Criminal Original Petition has been filed seeking for a direction to the learned II Additional District and Sessions Judge, Puducherry to accept the surrender of the petitioners in connection with the Crime No.137 of 2022 on the file of the second respondent police and to consider the petitioners' bail application on the same day.

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 learned II Additional District and Sessions Judge, Puducherry to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.137 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 allowed.

28.12.2022

Index: Yes/No

Internet: Yes/No

sp/ham

To

1.The II Additional District and Sessions Judge, Puducherry.

2.The Superintendent of Police (West), Office of the Superintendent of Police, Villiyanur, Pondicherry.

3.The Sub Inspector of Police, Nettapakkam Police Station, Puducherry.



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A.A.NAKKIRAN, J.

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