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CrI.O.P.No.32457 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **28.12.2022**

CORAM

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CrI.O.P.No.32457 of 2022

1. P.Kamalesan

2. R.Suresh

... Petitioners

VS.

1. The Deputy Superintendent of Police,
Harur,
Dharmapuri District.

2. The State represented by,
The Inspector of Police,
Morappur Police Station,
Dharmapuri District.
(Crime No.316 of 2022)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal District and Sessions Judge, Dharmapuri (Special Court for SC/ST Act Cases), to consider the bail application of the petitioners concerned in Crime No.316 of 2022 on the file of the second respondent Police, on the same day of their surrender.



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For Petitioners : Mr.C.Prabakaran

For Respondents : Mr.L.Baskaran

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Principal District and Sessions Judge (Special Court for SC/ST Act Cases), Dharmapuri, to consider the petitioners' bail application in Crime No.316 of 2022 on the file of the second respondent police, 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 Principal District and Sessions Judge (Special Court for SC/ST Act Cases), Dharmapuri, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.316 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



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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.

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
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A.A.NAKKIRAN, J.

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To

1. The Principal District and Sessions Judge,
(Special Court for SC/ST Act Cases)
Dharmapuri.
2. The Deputy Superintendent of Police,
Harur,
Dharmapuri District.
3. The Inspector of Police,
Morappur Police Station,
Dharmapuri District.
4. The Public Prosecutor,
High Court, Madras.

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