



Crl.O.P.(MD) No.11742 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.11742 of 2022

Nathaniel

...Petitioner

Vs.

1.The Deputy Superintendent of Police,
Kanyakumari Sub-Division,
Kanyakumari.

2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

3.Chandrasekaran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Special Judge for SC/ST (Prevention of Atrocities) Act / II Additional District and Sessions Judge (PCR Court), Tirunelveli to consider the bail application of the petitioner on the same day of his surrender in Crime No.154 of 2022 on the file of the 2nd respondent Police.

For Petitioner : Mr.S. Louis

For Respondents : Mr.A. Albert James
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed for a direction to the Special Judge for SC/ST (Prevention of Atrocities) Act / II Additional District and Sessions Judge (PCR Court), Tirunelveli, to consider the bail application of the petitioner on the same day of his surrender in Crime No. 154 of 2022 on the file of the 2nd 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 the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned the Special Judge for SC/ST (Prevention of Atrocities) Act / II Additional District and Sessions Judge (PCR Court), Tirunelveli, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 154 of 2022 on the file of the second respondent and pass appropriate orders, in accordance with law, after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. 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.



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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 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. With the above direction, this Criminal Original Petition is allowed.

01.07.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
trp

To

1.The Deputy Superintendent of Police,
Kanyakumari Sub-Division,
Kanyakumari.

2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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V.SIVAGNANAM, J.

trp

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