



Crl.O.P.(MD) No.14290 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14290 of 2022

Kumaran,

... Petitioner

Vs

1.State represented by
The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Thiruvidaimaruthur Sub Division,
Thanjavur District.

2. The Inspector of Police,
Cholapuram Police Station,
Thanjavur District
(Crime No. 457 of 2022).

3. Ajithkumar,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to accept the surrender of the petitioner before the Special Court for SC/ST (Prevention of Atrocities) Act, i.e., I Additional District and Sessions Judge, Thanjavur connection with the Crime No. 457 of 2022, on the file of the second respondent police and consider the bail application filed by the



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petitioner on the same day.

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For Petitioner : M/s.Karunakaran.K.M.,
For R1 and R2 : Mr.A.Albert James,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed for a direction to direct the learned I Additional District and Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act, Thanjavur, to consider the petitioner's bail application on the same day of his surrender in Crime No. 457 of 2022 on the file of the second 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 I Additional District and Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act, Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 457 of 2022 on the file of the second respondent and pass



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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.

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.

10.08.2022

Internet: Yes./No
Index: Yes/no
lr

Note: Issue order copy on 11.08.2022



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V.SIVAGNANAM, J.

lr

To

- 1.The I Additional District and Sessions Judge,
The Special Court for SC/ST
(Prevention of Atrocities) Act,
Thanjavur.
2. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent of Police,
Thiruvidaimaruthur Sub Division,
Thanjavur District.
3. The Inspector of Police,
Cholapuram Police Station,
Thanjavur District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL.O.P (MD) No.14290 of 2022

10.08.2022