



Crl.O.P.(MD) No.15286 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15286 of 2022

Chellam

...Petitioner

VS

**1. The Deputy Superintendent of Police
Sivagangai, Sivagangai District**

**2. The Inspector of Police
Sivagangai Town Police
Sivagangai District**

3. Mappillaisamy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Sessions Judge, Special Court for Exclusive Trial Cases under SC/ST(POA)Act,1989,Sivagangai to accept the surrender of the petitioner and consider the bail application to be filed by him on merits and on the day of surrender in Crime No.318 of 2022 on the file of the second respondent police.



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For Petitioner : Mr.K.Manivannan
For Respondents : Mr.A.Albert James
No.1 and 2 : Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed for a direction to direct the Sessions Judge, Special Court for Exclusive Trial Cases under SC/ST(POA)Act,1989,Sivagangai to accept the surrender of the petitioner and consider the bail application to be filed by him on merits and on the day of surrender in Crime No.318 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 Sessions Judge, Special Court for Exclusive Trial Cases under SC/ST(POA)Act,1989,Sivagangai , to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 318 of 2022 on the file of the second respondent and pass appropriate orders, in accordance with law, after affording due opportunity



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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.

25.08.2022

Internet: Yes./No

Index: Yes/no

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Note: Issue order copy on 29.08.2022



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To

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1. The Sessions Judge, Special Court for Exclusive Trial Cases
under SC/ST(POA)Act,1989,Sivagangai
2. The Deputy Superintendent of Police
Sivagangai, Sivagangai District
3. The Inspector of Police
Sivagangai Town Police
Sivagangai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
CRL.O.P (MD) No.15286 of 2022

25.08.2022