



Crl.O.P.(MD) No.15282 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.15282 of 2022

1. K.Hariharan
2. Kannan
3. K.Mallika

...Petitioners

.vs.

1. The Deputy Superintendent of Police
Thiruverumbur DSP Police
Thiruvermbur, Trichy District
2. The Inspector of Police
Thiruvermbur Police Station
Trichy District
3. M.Sivakumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned I-Additional District and Sessions Judge(PCR),Special Court for SC/ST (POA)Act,1989,Trichy to accept the surrender of the Petitioners/Accused Nos.1,2,3 and to consider their bail application and grant bail on the same date of surrender itself in Crime No. 289 of 2022d dated 17.08.2022 on the file of the second respondent police.



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For Petitioners : Mr.R.Sakthivel
For Respondents : Mr.A.Albert James
No.1 & 2 : 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(PCR),Special Court for SC/ST (POA)Act,1989,Trichy to accept the surrender of the Petitioners/Accused Nos.1,2,3 and to consider their bail application and grant bail on the same date of surrender itself in Crime No.289 of 2022 dated 17.08.2022 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 I-Additional District and Sessions Judge(PCR),Special Court for SC/ST (POA)Act,1989,Trichy, to consider the petitioners bail application, preferably on the same day of their surrender in connection with Crime No. 289 of 2022 on the file of the second respondent and pass appropriate



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orders, in accordance with law, after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. 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. 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

WEB COPY

1. The I-Additional District and Sessions Judge(PCR),
Special Court for SC/ST (POA)Act,1989,Trichy
2. The Deputy Superintendent of Police
Thiruverumbur DSP Police
Thiruvermbur, Trichy District
3. The Inspector of Police
Thiruvermbur Police Station
Trichy 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.15282 of 2022

25.08.2022