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CrI.O.P.No.31 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.31 of 2023

Agni Arul @ Arul

...

Petitioner

/vs/

1.State rep. By

The Deputy Superintendent of Police,
Attur,
Salem District.

2.State rep. By,

The Inspector of Police,
Attur Rural Police Station,
Salem District.
(Crime No.338 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, Salem (Special Judge for SC/ST Act Cases) to consider the bail application of the petitioner's concerned in Crime No.338 of 2022 pending trial on the file of the second respondent on their surrender on the same day.

For Petitioner

... Mr.C.Prabakaran

For Respondents

... Mr.S.Santhosh,
Government Advocate (crl.side)



Crl.O.P.No.31 of 2023

ORDER

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This Criminal Original Petition has been filed seeking for a direction to learned Principal District and Sessions Judge, Salem (Special Judge for SC/ST Act Cases) to consider the bail application of the petitioner on the same day of his surrender in connection with Crime No.338 of 2022 pending on the file of the second respondent.

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, Salem (Special Judge for SC/ST Act Cases) to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.338 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 Section 15-A of the SC/ST (POA) Act, 1989. 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.



Crl.O.P.No.31 of 2023

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. In view of the above, the Criminal Original Petition stands disposed of.

05.01.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

shk

To

1. The Principal District and Sessions Judge, Salem
(Special Judge for SC/ST Act Cases)

2. The Deputy Superintendent of Police,
Attur,
Salem District.

3. The Inspector of Police,
Attur Rural Police Station,
Salem District.

4. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.31 of 2023

G.CHANDRASEKHARAN, J.

shk

Crl.O.P.No.31 of 2023

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