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Crl.O.P.No.221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.221 of 2023

Nandakumar

...Petitioner

-VS-

1.The Deputy Superintendent of Police,
Namakkal sub division,
Namakkal District.

2.State rep by
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.314 of 2022)

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Special Judge, Special Court for Exclusive Trial of the Scheduled Case and Scheduled Tribes (Prevention of Atrocities) Amendment Act Cases, Namakkal District, to consider the bail petition on the same day of his surrender in Crime No.314 of 2022 on the file of the respondent police pending



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investigation.

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For Petitioner

... Mr.S.Premkumar

For Respondent

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Special Judge, Special Court for Exclusive Trial of the Scheduled Case and Scheduled Tribes (Prevention of Atrocities) Amendment Act Cases, Namakkal District, to consider the bail petition on the same day of his surrender in Crime No.314 of 2022 on the file of the respondent police pending investigation.

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 Special Judge, Special Court for Exclusive Trial of the Scheduled Case and Scheduled Tribes (Prevention of Atrocities) Amendment Act Cases, Namakkal District, to consider



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the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.314 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.

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.

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

nsa



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To
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- 1.The Special Judge,
Special Court for Exclusive Trial of the
Scheduled Case and Scheduled Tribes
(Prevention of Atrocities) Amendment Act Cases,
Namakkal District.
- 2.The Deputy Superintendent of Police,
Namakkal sub division,
Namakkal District.
- 3.The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.314 of 2022)
- 4.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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