



WEB COPY



Crl.O.P.No.1211 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1211 of 2023

P.Elango

...

Petitioner

/vs/

1.The State of Tamil Nadu,
represented by
The Deputy Superintendent of Police,
Mohanur Police Station,
Namakkal District.

2.The State of Tamil Nadu,
represented 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 Special Court/Principal Sessions Court, Namakkal to consider the Bail application of the petitioner in Crime No.314 of 2022 on the file of Mohanur Police Station, Namakkal District.

For Petitioner

... Mr.Deepan Uday

For Respondents

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



Crl.O.P.No.1211 of 2023

ORDER

This Criminal Original Petition has been filed seeking for a direction Special Court/Principal Sessions Court, Namakkal to consider the Bail application of the petitioner in Crime No.314 of 2022 on the file of Mohanur Police Station, Namakkal District on his surrender on the same day.

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 Special Court/Principal Sessions Court, Namakkal, to consider the petitioners' 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 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.



Crl.O.P.No.1211 of 2023

WEB COPY

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

20.01.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gd



WEB COPY



Crl.O.P.No.1211 of 2023

G.CHANDRASEKHARAN, J.

gd

To

1. The Special Court/Principal Sessions Court,
Namakkal.
2. The Deputy Superintendent of Police,
Mohanur Police Station,
Namakkal District.
3. The Inspector of Police,
Mohanur Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.1211 of 2023

20.01.2023