



CrI.O.P.No.1106 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.1106 of 2023

P.Vivekanandhan

...

Petitioner

/vs/

1.The Commissioner of Police,
Chennai City,
E.V.K. Sampath Road,
Vepery,
Chennai – 600 007.

2.The Inspector of Police,
Virugambakkam Police Station,
Chennai.
(Crime No.734 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 cum Special Judge for SC/ST cases, Chennai to consider the petitioner's Bail application in connection with the Crime No.734 of 2022 on the file of 2nd respondent on his surrender.

For Petitioner

... Mr.K.Thilageswaran

For Respondents

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



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ORDER

This Criminal Original Petition has been filed seeking for a direction learned Principal District and Sessions Judge cum Special Judge for SC/ST cases, Chennai to consider the petitioner's Bail application in connection with the Crime No.734 of 2022 on the file of 2nd respondent 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 learned Principal District and Sessions Judge cum Special Judge for SC/ST cases, Chennai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No. 734 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.



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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

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G.CHANDRASEKHARAN, J.

gd

To

1. The Principal District and Sessions Judge cum Special Judge for SC/ST cases, Chennai
- 2.The Commissioner of Police,
Chennai City,
E.V.K. Sampath Road,
Vepery,
Chennai – 600 007.
- 3.The Inspector of Police,
Virugambakkam Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

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