



WEB COPY



CrI.O.P.No.2255 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.2255 of 2023

- 1.Balagan @ Balakrishnan
- 2.Lakshmi
- 3.Rajavalli

... Petitioners

/vs/

- 1.Deputy Superintendent of Police,
Kallakurichi District.

- 2.The State represented by
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District
Crime No.635/2022

... Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special District Judge (POA Court), Villupuram to consider the bail application sympathetically and pass orders on merits on the same day on the petitioners surrender in connection with Cr.No.635 of 2022 pending before the respondent.

For Petitioner
For Respondent

... Ms.R.Poornima
... Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the Special District Judge (POA Court), Villupuram to consider the bail application sympathetically and pass orders on merits on the same day on the petitioners surrender in connection with Cr.No.635 of 2022 pending before the 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 Special District Judge (POA Court), Villupuram to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.6 of 2023 registered for the offence under Sections 294 (b) of IPC and Sections 3 (1) (r) , 3 (1) (s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 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



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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 allowed.

02.02.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order

G.CHANDRASEKHARAN, J.



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Nst/Sma

WEB COPY To

- 1.The Deputy Superintendent of Police,
Kallakurichi,
Kallakurichi District.
- 2.The State represented by
Inspector of Police,
Moongilthuraipattu Police Station,
Kallakurichi District.
- 3.The Public Prosecutor,
High Court, Madras.

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