



CrI.O.P.No.2101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

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- 1.Govintharaj @ Govindharasan
- 2.Manikandan
- 3.Karnan
- 4.Thirumalai
- 5.Sounthar @ Soundar
- 6.Sugumar
- 7.Senthamizh Selvan

... Petitioners

Vs.

- 1.The Deputy Superintendent of Police,
Kallakurichi,
Kallakurichi District.
- 2.The State represented by
Inspector of Police,
Moongilthuraipattu Police Station,
Kallakurichi District.
(Crime No.6 of 2023)

... Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C. directing the Learned Principal District & Sessions Judge, (Special Court under SC & ST Atrocities Act) at Viluppuram, Villupuram District to accept the surrender of the petitioners herein concerned in Crime No.6 of 2023 pending on the file of the Inspector of Police, Moongilthuraipattu



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Police Station, Kallakurichi District.

For Petitioner	...	Mr.K.Balu
For Respondent	...	Mr.S.Santhosh Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction directing the Learned Principal District & Sessions Judge, (Special Court under SC & ST Atrocities Act) at Viluppuram, Villupuram District to accept the surrender of the petitioners herein concerned in Crime No.6 of 2023 pending on the file of the Inspector of Police, Moongilthuraipattu Police Station, Kallakurichi District.

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 the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the the Learned Principal District & Sessions Judge, (Special Court under SC & ST Atrocities Act) at Viluppuram, Villupuram District Special Judge for Prevention of SC/ST Atrocities to consider the petitioners' bail application, preferably on the same day of surrender in connection with Crime No.6 of 2023 registered for the offence under Sections 147, 148 & 294 (b) of IPC



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and Sections 3 (1) (r), 3 (1) (s), 3 (2) (va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 and Section 3 (1) of TN Public Property (Prevention of Damage and Loss) Act, on the file of the second respondent and pass appropriate orders in accordance with law, after affording due opportunity to the victim 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 allowed.

02.02.2023

Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case : Yes/No

G.CHANDRASEKHARAN, J.



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Nst/Sma

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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