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Crl.O.P.No.2288 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2288 of 2023

Dr.Subha

...Petitioner

Vs.

1.The Deputy Superintendent of Police,
O/o.Deputy Superintendent Office,
Thiruchengodu,
Namakkal District.

2.The Inspector of Police,
Thiruchengodu Town Police Station,
Namakkal District.
(Crime No.397 of 2022)

... Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Special Court for SC/ST Act cases, Namakkal to consider the bail application filed by the petitioner on her surrender in connection with Crime No.397 of 2022 on the file of the 2nd respondent police.

For Petitioner

... Mr.W.Camyles Gandhi

For Respondents

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



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ORDER

This Criminal Original Petition has been filed seeking to direct the learned Special Court for SC/ST Act cases, Namakkal to consider the bail application filed by the petitioner on her surrender in connection with Crime No.397 of 2022 on the file of the 2nd respondent police.

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 learned Special Court for SC/ST Act cases, Namakkal to consider the petitioners' bail application, preferably on the same day of her surrender in connection with Crime No.397 of 2022 registered for the offence under Section 294 (b) of IPC r/w. 3(1) (r) and 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 and 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



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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 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



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G.CHANDRASEKHARAN, J.

nst/sma

To,

- 1.The Deputy Superintendent of Police,
O/o.Deputy Superintendent Office,
Thiruchengodu,
Namakkal District.
- 2.The Inspector of Police,
Thiruchengodu Town Police Station,
Namakkal District.
- 3.The Public Prosecutor,
High Court, Madras.

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