



Crl.O.P.No.2294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2294 of 2023

Suresh

...

Petitioner

/vs/

1.The Superintendent of Police,
Namakkal Police SP Office,
Near Collectorate Office,
Namakkal – 637 003.

2.The Inspector of Police,
Elachipalayam Police Station,
Namakkal District.
(Cr.No.184/2022)

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Judge for the SC/ST Act cases Namakkal District to accept the surrender of the petitioner and consider the petitioner bail application on the same day in crime No.184 of 2022 on the file of the respondent police.

For Petitioner

...

Mr.S.Sankar

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 to the learned Special Judge for SC/ST Act cases, Namakkal District to accept the surrender of the petitioner and consider the petitioner bail application on the same day in crime No.184 of 2022 pending on the file of the respondent police under Sections 294(b) and 506(i) of IPC r/w Sections 3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989.

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 Special Judge for SC/ST Act cases, Namakkal District, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.184 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 petitioner shall surrender before the concerned Jurisdictional Court, within a period of fifteen days from the



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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 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.

03.02.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gd/skt



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G.CHANDRASEKHARAN, J.

gd/skt

To

1. The Special Judge for SC/ST Act cases,
Namakkal District.
2. The Superintendent of Police,
Namakkal Police SP Office,
Near Collectorate Office,
Namakkal – 637 003.
3. The Inspector of Police,
Elachipalayam Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court, Madras.

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