



WEB COPY



Crl.O.P.No.2904 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2904 of 2023

1.Jagirhussain
2.S.Fazeelathbanu

... Petitioners

/vs/

1. The Deputy Superintendent of Police,
Arakkonam,
Ranipet District.

2. State Rep by,
The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Principal District and Sessions Judge cum Special Judge for SC/ST Act Cases, Vellore District to accept the surrender of the petitioners along with bail application in Crime No.359 of 2021 on the file of the 2nd respondent police herein.

For Petitioners ... Mr.S.Sairaman

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



Crl.O.P.No.2904 of 2023

ORDER

This Criminal Original Petition has been filed to direct the Principal District and Sessions Judge cum Special Judge for SC/ST Act Cases, Vellore District to accept the surrender of the petitioners along with bail application in Crime No.359 of 2021 on the file of the 2nd respondent police herein.

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 Principal District and Sessions Judge cum Special Judge for SC/ST Act Cases, Vellore District to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.359 of 2021 registered for the offence under Sections 294(b), 352, 324, 506(1) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 read with Section 3(1)(r), 3(1)(s) & 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 on the file of the second respondent and pass



Crl.O.P.No.2904 of 2023

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.

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.

10.02.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

Sma



Crl.O.P.No.2904 of 2023

G.CHANDRASEKHARAN, J.

Sma

To

1. The Deputy Superintendent of Police,
Kallakurichi,
Kallakurichi District.
2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.2904 of 2023

10.02.2023