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Crl.O.P.No.2865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2865 of 2023

Anthony Joseph

... Petitioner

vs.

The State represented by,

1. The Deputy Superintendent of Police,
Cuddalore District,
Cuddalore.

2. The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.

(Crime No.13 of 2023)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Court (SC/ST) Act, Cuddalore to consider the bail application sympathetically and pass orders on merits on the same day on the petitioner's surrender in connection with Crime No.13 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Gandhi Kumar

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 Special Court (SC/ST) Act, Cuddalore to accept the surrender of the petitioner in connection with the Crime No.13 of 2023 on the file of the respondent police and to consider the petitioner's bail application on the same day.

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 Court (SC/ST) Act, Cuddalore to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.13 of 2023 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 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.

09.02.2023

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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

To

1. The Special Court (SC/ST) Act,
Cuddalore.
2. The Deputy Superintendent of Police,
Cuddalore District,
Cuddalore.
3. The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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