



WEB COPY



Crl.O.P.No.3096 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3096 of 2023

1. Pappaiyan @ Jayasakthivel
2. Madhan @ Madhanraj
3. Tamilarasan

... Petitioners

Vs

- 1.The State represented by
Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District.
(Crime No.26 of 2023)

2. The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Mayiladuthurai,
Mayiladuthurai District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C to pass an order directing the Learned District Sessions Judge, Special Court for SC/ST Act, Nagapattinam to accept the surrender of the petitioners herein and consider the Bail petition concerned in Crime No.26 of 2023 on the file of the Inspector of Police, Kuthalam Police Station, Mayiladuthurai District on the same day itself.



Crl.O.P.No.3096 of 2023

For Petitioners ... Mr.C.T.Saravanan
For Respondents ... Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking for a direction to the the Learned District Sessions Judge, Special Court for SC/ST Act, Nagapattinam to accept the surrender of the petitioners herein and consider the Bail petition concerned in Crime No.26 of 2023 on the file of the Inspector of Police, Kuthalam Police Station, Mayiladuthurai District on the same day itself.

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 District Sessions Judge, Special Court for SC/ST Act, Nagapattinam, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.26 of 2023 on the file of the Inspector of Police, Kuthalam Police Station, Mayiladuthurai District 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 petitioners shall surrender before the concerned



Crl.O.P.No.3096 of 2023

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.

15.03.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

mn



WEB COPY



Crl.O.P.No.3096 of 2023

G.CHANDRASEKHARAN, J.

mn

To

1. The District Sessions Judge, Special Court for SC/ST Act, Nagapattinam.
2. The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Mayiladuthurai,
Mayiladuthurai District.
3. The Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3096 of 2023

15.03.2023