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Crl.O.P.No.5923 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5923 of 2023

Lenin

... Petitioner

/vs/

1. The State rep by the
Assistant Superintendent of Police,
Office of Deputy Superintendent,
Vedharanyam, Nagapattinam District.

2. State rep. By the
Inspector of Police,
Voimedu Police Station,
Nagapattinam District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Principal District and Sessions Judge, Nagapattinam to consider the bail application of the petitioner on the same day of his surrender in Spl. S.C.No.4 of 2019 on the file of the Principal District and Sessions Judge (Spl. Court for SC/ST Prevention of Atrocities Act), Nagapattinam in Crime No.193 of 2017 on the file of the respondent police.



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For Petitioner	...	Mr.J.Jawahar
For Respondents	...	Mr.S.Santhosh (For R1 & R2) Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking direction to the Principal District and Sessions Judge, Nagapattinam to consider the bail application of the petitioner on the same day of his surrender in Spl. S.C.No.4 of 2019 on the file of the Principal District and Sessions Judge (Spl. Court for SC/ST Prevention of Atrocities Act), Nagapattinam in Crime No.193 of 2017 on the file of the 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 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 (Spl. Court for SC/ST Prevention of Atrocities Act), Nagapattinam to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.193 of 2017 registered for the offence under Sections 302, 120B read with Section 34 read with Section 109 of IPC read with Section 3(2)(v) of



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SC/ST (Prevention of Atrocities), Act, 1989 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 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.

21.04.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
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G.CHANDRASEKHARAN, J.

Sma

To

1. The State rep by the
Assistant Superintendent of Police,
Office of Deputy Superintendent,
Vedharanyam, Nagapattinam District.
2. State rep. By the
Inspector of Police,
Voimedu Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

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