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Crl.O.P.No.3886 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3886 of 2023

1.Sasikumar

2.Muthukumar @ Muthu Kumaran

3.Dinesh

... Petitioners

/vs/

1. The Deputy Superintendent of Police (DSP),
Chidambaram,
Cuddalore District.

2. State by,
Inspector of Police,
Chidambaram Taluk Police Station,
Cuddalore District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Principal District Sessions Judge, Cuddalore to accept the surrender of the petitioners and to consider the bail petition filed by the petitioners on the same day.



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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the Principal District Sessions Judge, Cuddalore to accept the surrender of the petitioners and to consider the bail petition filed by the petitioners 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 Principal District Sessions Judge, Cuddalore to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.339 of 2022 registered for the offences under Sections 147, 148, 323, 324, 506(2) read with Section 3(1)(r), 3(1)(s) , 3(2)(va) of The Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 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,



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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.

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.

22.02.2023

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

Sma

To

1. The Deputy Superintendent of Police (DSP),
Chidambaram,
Cuddalore District.
2. State by,
Inspector of Police,
Chidambaram Taluk Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

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