



WEB COPY



CrI.O.P.No.3786 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.3786 of 2023

1. Gunasekaran
2. Palanivel
3. Lakshmi
4. Vanitha

.. Petitioners

VS

1. The Deputy Superintendent of Police
Attur, Salem District.

2. The Sub Inspector of Police
Attur Rural Police Station
Salem District.

Crime No.27 of 2023

.. Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Principal Sessions Court at Salem to consider the bail application of the petitioners on the same day of their surrender in Crime No.27 of 2023 on the file of the respondent police.

For Petitioners : Mr.S.Muthukrishnan

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)



Crl.O.P.No.3786 of 2023

ORDER

WEB COPY

This Criminal Original Petition has been filed to direct the Principal Sessions Court at Salem to consider the bail application of the petitioners on the same day of their surrender in Crime No.27 of 2023 filed under Sections 341, 447, 427, 511 & 506(2) of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) & 3(1)(g) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, 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 learned Principal Sessions Court, Salem to consider the petitioners bail application, preferably on the same day of their surrender in connection with Crime No.27 of 2023 on the file of the 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.



Crl.O.P.No.3786 of 2023

WEB COPY

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.

06.03.2023

Index: Yes/No
Speaking/Non speaking order
Neutral Order: Yes/No
drm

To

1. The Deputy Superintendent of Police
Attur, Salem District.
2. The Sub Inspector of Police
Attur Rural Police Station
Salem District.
Crime No.27 of 2023
3. The Public Prosecutor
High Court of Madras.



WEB COPY



Crl.O.P.No.3786 of 2023

G.CHANDRASEKHARAN.J.,

drm

Crl.O.P.No.3786 of 2023

06.03.2023