



WEB COPY



Crl.O.P.No.3816 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3816 of 2023

1.Kannan @ Elumalai

2.T.Raja

... Petitioners

VS

1.The State represented by its
The Deputy Superintendent of Police,
Polur,
Tiruvannamalai District.

2.Inspector of Police,
Kalasapakkam Police Station,
Tiruvannmalai District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal District and Sessions Judge Cum Special Judge for SC/ST cases, Tiruvannamalai, to consider and pass order on the petitioner's Bail Application in connection with the Crime No.118 of 2021 on the file of 2nd respondent Police on his surrender.

For Petitioners : Mr.Sathiyaraj.E



Crl.O.P.No.3816 of 2023

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

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Principal District and Sessions Judge Cum Special Judge for SC/ST cases, Tiruvannamalai, to consider and pass order on the petitioner's Bail Application in connection with the Crime No.118 of 2021 on the file of 2nd respondent Police on their surrender.

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 District and Sessions Judge Cum Special Judge for SC/ST cases, Tiruvannamalai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.118 of 2021 registered for the offences under Sections 147, 148, 341, 294 (b), 323, 324 & 506 (2) of IPC read with Section 3(1)(s), 3(1) (1) (A) & 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 on the file of the



Crl.O.P.No.3816 of 2023

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.

20.02.2023

Index: Yes/No

Speaking/Non speaking order

ep

Note: Issue Order copy on 27.02.2023



WEB COPY



Crl.O.P.No.3816 of 2023

G.CHANDRASEKHARAN, J.

ep

To

1.Principal District and Sessions Judge Cum Special Judge for SC/ST cases, Tiruvannamalai.

2.The State represented by its
The Deputy Superintendent of Police,
Polur,
Tiruvannamalai District.

3.Inspector of Police,
Kalasapakkam Police Station,
Tiruvannmalai District.

4..The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3816 of 2023



WEB COPY



Crl.O.P.No.3816 of 2023

20.02.2023