



Crl.O.P.No.3957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3957 of 2023

1.Sambath		
2.Pirabavathi @ Prabha		
3.Velmurugan		
4.Saravanan	...	Petitioners
	/vs/	
1.The State represented by The Superintendent of Police, Office of the Superintendent of Police, Thiruvannamalai.		
2.The Inspector of Police, Kannamangalam Police Station, Thiruvannamalai. (Crime No.520 of 2022)	...	Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Court for trial of cases under SC/ST (POA) Act, Thiruvannamalai District to consider off the Bail Application on the same day, to be filed by the petitioner in Crime No.520 of 2022 pending on the file of the respondent police.

For Petitioners : Mr.S.Rajesh

For Respondents : Mr.S.Santhosh



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Government Advocate (crl.side)

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ORDER

This Criminal Original Petition has been filed seeking for a direction to the Special Court for trial of cases under SC/ST (POA) Act, Thiruvannamalai District to consider off the Bail Application to be filed by the petitioner in Crime No.520 of 2022 pending on the file of the respondent police registered for the offences under Sections 147, 447, 427, 294(b), 323, 506(2) of IPC and 3(1)(s), 3(2)(va) and 3(1)(f) of SC/ST Act on the same day 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 Special Court for trial of cases under SC/ST (POA) Act, Thiruvannamalai District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.520 of 2022 on the file of the respondent police and pass appropriate orders in accordance with law, after affording due opportunity to the victims under



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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.

23.02.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

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To

1. The Special Court for trial of cases under SC/ST (POA) Act,
Thiruvannamalai District
2. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvannamalai.
3. The Inspector of Police,
Kannamangalam Police Station,
Thiruvannamalai.
4. The Public Prosecutor,
High Court, Madras.

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