



WEB COPY



Crl.O.P.No.3903 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.3903 of 2023

P.Bhoopathy

... Petitioner

/vs/

Inspector of Police,
E-1, Mamallapuram Police Station,
Chengalpet District.
Crime No.64 of 2023

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Court for PCR Cases to consider the bail application of the petitioner on the same day of the surrender in Crime No.64 of 2023 pending on the file of the Respondent Police.

For Petitioner

... Mr.T.K.S.Gandhi

For Respondent

... Mr.S.Santhosh
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 PCR Cases to consider the bail application of the petitioner on the same day of the surrender in Crime No.64 of 2023 pending 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 Special Court for PCR Cases to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.64 of 2023 registered for the offences under Sections 3(1)(r)(s) of SC/ST (POA) Act, 2015 on the file of the respondent police 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 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.



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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
Sma

G.CHANDRASEKHARAN, J.

Sma



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To
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1. Inspector of Police,
E-1, Mamallapuram Police Station,
Chengalpet District.

2. The Public Prosecutor,
High Court, Madras.

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