



WEB COPY



Crl.O.P.No.4522 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4522 of 2023

Gnana Irudayaraj

... Petitioner

/vs/

1. The State Represented by
Superintendent of Police,
Pondicherry.

2. The State Represented by,
The Station House Officer,
PCR Cell Police Station,
Pondicherry.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned II Additional District Judge/Special Judge to accept the surrender of the petitioner and consider the bail petition on the same day in respect of the Crime No.01 of 2023 dated 09.02.2023 pending on the file of the Station House Officer, PCR Cell Police Station, Pondicherry.

For Petitioner

... Mr.B.Balavijayan

For Respondent

... Mr.K.S.Mohandoss

Public Prosecutor (for Pondicherry)



ORDER

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This Criminal Original Petition has been filed seeking for a direction to the II Additional District Judge/Special Judge, Puducherry to accept the surrender of the petitioner and consider the bail petition on the same day in respect of the Crime No.01 of 2023 dated 09.02.2023 pending on the file of the Station House Officer, PCR Cell Police Station, Pondicherry.

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 II Additional District Judge/Special Judge, Puducherry to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.01 of 2023 registered for the offences under Sections 341, 323, 506(i) of IPC and Section 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended 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



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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.

01.03.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
Sma



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G.CHANDRASEKHARAN, J.

Sma

To

1. II Additional District Judge/Special Judge,
Puducherry
2. The Superintendent of Police,
Pondicherry.
3. The Station House Officer,
PCR Cell Police Station,
Pondicherry.
4. The Public Prosecutor,
High Court, Madras.

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