



Crl.O.P.No.3942 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.3942 of 2023

Premkumar

... Petitioner

/vs/

1. State by

The Deputy Superintendent of Police,
Tiruvannamalai District.

2. The Inspector of Police,

Tiruvannamalai Town Police Station,
Tiruvannamalai District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Sessions Judge, Special Court for the exclusive trial of SC/ST act Cases, Tiruvannamalai District to consider the bail application of the petitioner of his surrender on the same day in connection with the Crime No.442 of 2022 on th file of the 2nd respondent police.

For Petitioner

... Mr.M.Rebecca

For Respondent

... Mr.S.Santhosh

Government Advocate (crl.side)



ORDER

WEB COPY

This Criminal Original Petition has been filed seeking for a direction to the learned Sessions Judge, Special Court for the exclusive trial of SC/ST act Cases, Tiruvannamalai District to consider the bail application of the petitioner of his surrender on the same day in connection with the Crime No.442 of 2022 on th file of the 2nd 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 Sessions Judge, Special Court for the exclusive trial of SC/ST act Cases, Tiruvannamalai District to consider the petitioner' bail application, preferably on the same day of their surrender in connection with Crime No.442 of 2022 registered for the offences under Sections 174(3) Cr.P.C altered to 306 read with Section 3(2)(v) SC/ST Act 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



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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.

22.02.2023

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

G.CHANDRASEKHARAN, J.



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WEB COPY To

1. The Deputy Superintendent of Police,
Tiruvannamalai District.
2. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.
- 2.The Public Prosecutor,
High Court, Madras.

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