



Crl.O.P.No.4053 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.4053 of 2023

Pannerselvam ... Petitioner
/vs/
1.The Deputy Superintendent of Police,
Vellore, Vellore District.
2.The State represented by the Inspector of Police,
Vellore Taluk Police Station,
Vellore, Vellore District.
(Crime No.41 of 2023) ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Vellore to consider the bail application on the same day on the surrender and file a bail application in Crime No.41 of 2023 on the file of the Inspector of Police, Vellore Taluk Police Station, Vellore, Vellore District.

For Petitioner : Mr.Vinodhkumar

For Respondents : 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 learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Vellore to consider the bail application on the same day on the surrender and file a bail application in Crime No.41 of 2023 registered for the offences under Sections 294(b), 323, 506(i) of IPC and 3(1)(s) of SC/ST Act on the file of the Inspector of Police, Vellore Taluk Police Station, Vellore, Vellore District.

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 Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Vellore, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.41 of 2023 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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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 Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Vellore
2. The Deputy Superintendent of Police,
Vellore, Vellore District.
3. The State represented by the Inspector of Police,
Vellore Taluk Police Station,
Vellore, Vellore District.
4. The Public Prosecutor,
High Court, Madras.

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