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Crl.O.P.No.4438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4438 of 2023

Senthilkumar K

...

Petitioner

/vs/

1.State represented by Assistant Commissioner
of Police,
Neelankarai, Chennai.

2.Inspector of Police
J6, Tiruvanmiyur Police Station
Chennai.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principle Session's Judge City Civil Court, Chennai to accept the surrender of the petitioner and consider his bail application on the same day in Crime No.52 of 2023 dated 05.02.2023 on the file of the 2nd respondent police.

For Petitioner
For Respondents

... Mr.N.Iyyakannu
... 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 Principle Session's Judge City Civil Court, Chennai to consider the bail application filed by the petitioner on his surrender in connection with Crime No.52 of 2023 on the file of the second respondent police on the same day.

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 Principle Session's Judge City Civil Court, Chennai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.52 of 2023 on the file of the second respondent 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



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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.

28.02.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

mpl



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G.CHANDRASEKHARAN, J.

mpl

To

- 1.The Principle Session's Judge City Civil Court,
Chennai.
- 2.The Assistant Commissioner
of Police,
Neelankarai, Chennai.
- 3.The Inspector of Police,
J6, Tiruvanmiyur Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

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