



Crl.O.P.No.4440 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.4440 of 2023

1.Prabhu
2.Govindan @ Govindaraj
3.Madheshwari ... Petitioners

/vs/

State rep by,
Inspector of Police,
Vazhapadi Police Station,
Salem District.
(Crime No.69 of 2023) ... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal Sessions Judge, Special Court for SC/ST(POA) Act, Salem District to consider the petitioners bail application in Crime No.69 of 2023 pending on the file of the respondent police on the same day on their surrender.

For Petitioners ... Mr.E.Kannadasan
For Respondent ... Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

WEB COPY This Criminal Original Petition has been filed seeking for a direction to the learned Principal Sessions Judge, Special Court for SC/ST(POA) Act, Salem District to consider the bail application filed by the petitioners on their surrender in connection with Crime No.69 of 2023 on the file of the 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 Principal District and Sessions Judge, Coimbatore (Special Judge for SC/ST Act cases), to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.69 of 2023 on the file of the 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 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.



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WEB COPY

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.

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 Principal Sessions Judge,
Special Court for SC/ST(POA) Act,
Salem District
- 2.The Inspector of Police,
Vazhapadi Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.

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