



WEB COPY



Crl.O.P.No.4913 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4913 of 2023

Dhanasekaran

... Petitioner

/vs/

1. State Rep. By
The Deputy Superintendent of Police,
Kottakuppam,
Villupuram District.

2. The Inspector of Police,
Auroville Police Station,
Villupuram 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 SC/ST (POA) Act, Villupuram District to consider the petitioners' bail application on the very same day on his surrender before the Court in connection with Crime No.44 of 2023 on the file of the respondent police.

For Petitioners

... Mr.M.Machavatharan

For Respondents

... Mr.S.Santhosh
Government Advocate (crl.side)

ORDER



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This Criminal Original Petition has been filed seeking direction to the learned Sessions Judge, Special Court for SC/ST(POA) Act, Villupuram District to consider the bail application on the same day in connection with Crime No.44 of 2023 on the file of the 2nd respondent police on his surrender.

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 SC/ST(POA) Act, Villupuram District to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.44 of 2023 registered for the offence under Sections 448, 427, 379 of IPC and Section 3(1)(g) of SC/ST (Prevention of Atrocities) Act, 1989 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



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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.

03.03.2023

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

Sma



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G.CHANDRASEKHARAN, J.

Sma

To

1. The Deputy Superintendent of Police,
Kottakuppam,
Villupuram District.
2. The Inspector of Police,
Auroville Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

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