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Crl.O.P.No.5174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5174 of 2023

1.Velazhagan

2.Manjula

3.Tamilarasan

...

Petitioners

/vs/

1.The Deputy Superintendent of Police,
Chidambaram,
Cuddalore District.

2.The State represented by
The Inspector of Police,
Chidambaram Taluk Police Station,
Cuddalore District.
(Crime No.36 of 2023)

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Special Court for trial of cases under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act , Cuddalore to consider the bail petition of the petitioners on the same day of their surrender in Crime No. 36 of 2023 on the file of the Inspector of Police, Chidambaram Taluk Police Station, Cuddalore District.



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For Petitioners	...	Mr.G.Pugazhenth
For Respondents	...	Mr.S.Santhosh Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Special Court for trial of cases under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Cuddalore to consider the bail petition of the petitioners on the same day of their surrender in Crime No. 36 of 2023 on the file of the Inspector of Police, Chidambaram Taluk Police Station, Cuddalore District for the offences under Sections 294(b), 323, 506(ii) of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) SC/ST (POA) Amendment Act 2015.

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 Special Court for trial of cases under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Cuddalore, to consider the



Crl.O.P.No.5174 of 2023

petitioners' bail application, preferably on the same day of their surrender in connection with Crime No. 36 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 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.

07.03.2023

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



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Crl.O.P.No.5174 of 2023

G.CHANDRASEKHARAN, J.

gd

To

1. The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities)
Act, Cuddalore
2. The Deputy Superintendent of Police,
Chidambaram,
Cuddalore District.
3. The State represented by
The Inspector of Police,
Chidambaram Taluk Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5174 of 2023

07.03.2023