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Crl.O.P.No.5102 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.5102 of 2023

1.Subramani

2.Santhi

3.Govindaraj

...

Petitioners

/vs/

The State represented by its

Inspector of Police,

All Women Police Station,

Dharmapuri.

Crime No.28 of 2022.

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Learned Principal District Judge at Dharmapuri to consider the bail application of the petitioners and pass orders on the same day in connection with the case in Crime No.28 of 2022 on the file of the respondent.

For Petitioners

...

Mr.V.Elangovan

For Respondent

...

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 Principal District Judge at Dharmapuri to consider the bail application of the petitioners and pass orders on the same day in connection with the case in Crime No.28 of 2022 on the file of the respondent under Sections 294(b) and 417 of IPC altered into 294(b), 417, 506(ii) of IPC and Section 3(1)(w)(i), 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 learned Principal District Judge at Dharmapuri, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.28 of 2022 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



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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 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

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G.CHANDRASEKHARAN, J.

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To

1. The Principal District Judge,
Dharmapuri.
2. The Inspector of Police,
All Women Police Station,
Dharmapuri.
3. The Public Prosecutor,
High Court, Madras.

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