



WEB COPY



Crl.O.P.No.5074 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5074 of 2023

1.Balakrishnan

2.Nandagopal

... Petitioners

/vs/

1. The Deputy Superintendent of Police,
Pollachi,
Coimbatore District.

2. State Rep by,
The Inspector of Police,
Pollachi East Police Station,
Coimbatore District.

3. Thulasiraj

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Principal District and Sessions Judge (Special Judge for SC/ST Act Cases), Coimbatore District to accept the surrender of the petitioners along with bail application in Crime No.62 of 2023 on the file of the 2nd respondent police herein and to consider the bail application on the same day.



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For Petitioners	...	Mr.V.Illanchezian
For Respondents	...	Mr.S.Santhosh (For R1 & R2) Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking direction to the Principal District and Sessions Judge (Special Judge for SC/ST Act Cases), Coimbatore District to accept the surrender of the petitioners along with bail application in Crime No.62 of 2023 on the file of the 2nd respondent police herein and to consider the bail application 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 Principal District and Sessions Judge (Special Judge for SC/ST Act Cases), Coimbatore District to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.62 of 2023 registered for the offence under Sections 294(b), 323, 506(i) of IPC and



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Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act 2015 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.

06.03.2023

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,
Pollachi,
Coimbatore District.
2. State Rep by,
The Inspector of Police,
Pollachi East Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

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