



Crl.O.P.No.5172 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.5172 of 2023

N.Meyappan

...

Petitioner

/vs/

1.The Deputy Superintendent of Police,
Salem West, Salem Town, Salem District.

2.The Inspector of Police,
Kannankuruchi Police Station,
Salem City, Salem District,
Crime No.145 of 2023.

3.Sakthi Karalan

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Court for SC/ST Court, Salem to consider the petitioner's bail petition on the same day on his surrender before the Court in connection with the case in Crime No. 145 of 2023 on the file of the respondent police.

For Petitioners

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Mr.T.N.Rangesh Kanna

For R-1 & 2

...

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 Special Court for SC/ST Court, Salem to consider the petitioner's bail petition on the same day on his surrender before the Court in connection with the case in Crime No. 145 of 2023 on the file of the respondent police under Sections 294(b), 506(i) 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 SC/ST Court, Salem, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No. 145 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



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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 Special Court for SC/ST Court,
Salem.
2. The Deputy Superintendent of Police,
Salem West, Salem Town, Salem District.
3. The Inspector of Police,
Kannankuruchi Police Station,
Salem City, Salem District,
4. The Public Prosecutor,
High Court, Madras.

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