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CrI.O.P.No.5320 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.5320 of 2023

1.M.Gurulingam

2.M.Yuvaraj

... Petitioners

VS

1.Deputy Superintendent of Police
Maduranthagam
Chengalpet.

2.State by
Sub-Inspector of Police,
G8-Orathy Police Station,
Chengalpattu,
Crime No.34 of 2023.

3.M.Sankar Ganesh

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal District and Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act cases at Chengalpet to accept the surrender of the petitioners and consider their bail application on the same day in connection with Crime No.34 of 2023 on merits pending



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investigation on the file of 1st respondent.

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For Petitioner : Mr.S.Xavier Felix

For Respondents : Mr.S.Santhosh (For R1 and R2)
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to direct the learned Principal District and Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act cases at Chengalpet, to accept the surrender of the petitioners and consider their bail application on the same day in connection with Crime No.34 of 2023 on merits pending investigation on the file of 1st respondent.

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 and Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act cases at Chengalpet, to consider the petitioners' bail application, preferably on the same day of their surrender



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in connection with Crime No.34 of 2023 registered for the offences under Sections 147, 294 (b), 323, 506 (1) of IPC read with Section 3(1)(r), 3(1)(s) 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 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.

08.03.2023

Index: Yes/No



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Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

ep

To

1. Deputy Superintendent of Police
Maduranthagam
Chengalpet.

2. State by
Sub-Inspector of Police,
G8-Orathy Police Station,
Chengalpattu.

3. The Public Prosecutor,
High Court, Madras.

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