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Crl.O.P.No.5910 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5910 of 2023

Jeevanandham

...

Petitioners

/vs/

The State represented by
The Inspector of Police,
All Women Police Station,
Madipakkam.

(Crime No.12 of 2022)

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Special Court for the Exclusive trial of POCSO Act cases, at Chengalpet to consider the bail application of the petitioner on the same day on merits in connection with Crime No.12 of 2022, on the file of the respondent.

For Petitioners

... Mr.S.Senthilvel

For Respondent

... 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 the Exclusive trial of POCSO Act cases, at



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Chengalpet to consider the bail application of the petitioner on the same day on merits in connection with Crime No.12 of 2022 for the offences under Sections 9(1) 10 and 17 of POCSO Act, 2012 on the file of the 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 Special Court for the Exclusive trial of POCSO Act cases, at Chengalpet, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.12 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 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



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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.

15.03.2023

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

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G.CHANDRASEKHARAN, J.

gd

To

- 1.The Special Court for the Exclusive trial of POCSO Act cases,
Chengalpet.
- 2.The The Inspector of Police,
All Women Police Station,
Madipakkam.
- 3.The Public Prosecutor,
High Court, Madras.

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