



Crl.O.P.No.5677 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5677 of 2023

K.Jothikumar

...

Petitioner

/vs/

1.The Deputy Superintendent of Police,
Chengam Sub-Division,
Tiruvannamalai District.

2.The Inspector of Police,
Melchengam Police Station,
Tiruvannamalai District.
(Crime No.83 of 2021)

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal Sessions Judge, Special Court for trail cases under SC/ST (POA) Act, Tiruvannamalai to accept the bail application of the petitioner on the same day of presentation in crime No.83 of 2021 on the file of the respondent police.

For petitioner

...

Mr.P.Jayachandran

For Respondents

...

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 Principal Sessions Judge, Special Court for trial cases under SC/ST (POA) Act, Tiruvannamalai to consider the bail application filed by the petitioner on his surrender in connection with Crime No.83 of 2021 for the offence under Sections 294(b), 323, 324 and 506(2) of IPC and Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act, 1989, on the file of the second respondent police 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 learned Principal Sessions Judge, Special Court for trial cases under SC/ST (POA) Act, Tiruvannamalai, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.83 of 2021 for the offence under Sections 294(b), 323, 324 and 506(2) of IPC and Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act, 1989,



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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 petitioner 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 petitioner 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.

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

mpl



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G.CHANDRASEKHARAN, J.

mpl

To

- 1.The Principal Sessions Judge,
Special Court for trial cases under SC/ST (POA) Act,
Tiruvannamalai.
- 2.The Deputy Superintendent of Police,
Chengam Sub-Division,
Tiruvannamalai District.
- 3.The Inspector of Police,
Melchengam Police Station,
Tiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

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