



Crl.O.P.No.5921 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5921 of 2023

1.Nirmalamari
2.Sagayaraj
3.John @ Johnbritto ... Petitioners
/vs/

1.The State represented by
The Deputy Superintendent of Police,
Mettur Division,
Salem District.

2.The Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No.57 of 2023) ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Learned Principal District and Sessions Judge, Salem, to accept the surrender of the petitioner and to consider the bail petition on the same day in Crime No.57 of 2023 on the file of the 2nd respondent police.

For Petitioners ... Mr.C.Deepakkumar
For Respondents ... Mr.S.Santhosh
Government Advocate (crl.side)



Crl.O.P.No.5921 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking for a direction to the Learned Principal District and Sessions Judge, Salem, to accept the surrender of the petitioner and to consider the bail petition on the same day in Crime No.57 of 2023 on the file of the 2nd respondent police for the offences under Section 294(b), 323 of IPC and 3(1)(r) of the SC/ST (Prevention of Atrocities) 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 Learned Principal District and Sessions Judge, Salem, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.57 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



Crl.O.P.No.5921 of 2023

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.

15.03.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gd



WEB COPY



Crl.O.P.No.5921 of 2023

G.CHANDRASEKHARAN, J.

gd

To

- 1.The Principal District and Sessions Judge,
Salem.
- 2.The Deputy Superintendent of Police,
Mettur Division,
Salem District.
- 3.The Inspector of Police,
Kolathur Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5921 of 2023

15.03.2023