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Crl.O.P.No.5812 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5812 of 2023

1.Gandhi

2.Venkatesan

... Petitioners

VS

1.Deputy Superintendent of Police
Thirukovilur,
Villupuram District.

2.The State Represented by
Inspector of Police,
Sankarapuram Police Station,
Villupuram District.
(Crime No.71 of 2021)

... 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 Atrocities Act) at Villupuram, Villupuram District to accept the surrender of the petitioners herein concerned in Crime No.71 of 2021 pending on the file of the Inspector of Police, Sankarapuram Police Station, Villupuram District and consider the bail petition on the same day



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itself.

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For Petitioners : Mr.M.R.Elavarasan

For Respondents : Mr.S.Santhosh
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 Atrocities Act) at Villupuram, Villupuram District to accept the surrender of the petitioners herein concerned in Crime No.71 of 2021 pending on the file of the Inspector of Police, Sankarapuram Police Station, Villupuram District and consider the bail petition on the same day itself.

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 Atrocities Act) at Villupuram, Villupuram District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.71 of 2021 registered for the offences under



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Sections 147, 148, 294 (b) & 323 of IPC, Section 4 of the TN Prohibition of Harassment of Women Act, 1998, Section 3 of TN Public Property (Prevention of Damage) Act, 1985 and Section 3(1)(r), 3(1)(s) and 3 (2) (vs) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 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.



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Index: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

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To

1.Principal District and Sessions Judge,
(Special Court for SC/ST Atrocities Act) at Villupuram

2.Deputy Superintendent of Police
Thirukovilur,
Villupuram District.

3.The State Represented by
Inspector of Police,
Sankarapuram Police Station,
Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

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