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Crl.O.P.No.6973 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6973 of 2023

Sasikumar

... Petitioner

/vs/

1. The Deputy Superintendent of Police,
Arani,
Thiruvannamalai District.

2. The Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Sessions Judge, Special Court for Trail Cases under SC/ST (POA) Act, Tiruvannamalai District to consider the bail application filed by the petitioner on their surrender in connection with Crime No.31 of 2023 on the file of the respondent police on the same day.

For Petitioner

... Mr.G.P. Sivakumar

For Respondents

... Mr.S.Santhosh (For R1 & R2)
Government Advocate (crl.side)



Crl.O.P.No.6973 of 2023

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ORDER

This Criminal Original Petition has been filed seeking direction to the Sessions Judge, Special Court for Trail Cases under SC/ST (POA) Act, Tiruvannamalai District to consider the bail application filed by the petitioner on their surrender in connection with Crime No.31 of 2023 on the file of the 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 Sessions Judge, Special Court for Trail Cases under SC/ST (POA) Act, Tiruvannamalai District to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.31 of 2023 registered for the offence under Sections 294(b), 324, 506(ii) of IPC read with Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act on the file of the second respondent and pass appropriate orders in accordance with law, after affording due opportunity to the victims under



Crl.O.P.No.6973 of 2023

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.

29.03.2023

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



Crl.O.P.No.6973 of 2023

G.CHANDRASEKHARAN, J.

Sma

To

1. The Deputy Superintendent of Police,
Arani,
Thiruvannamalai District.
2. The Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6973 of 2023

29.03.2023