



WEB COPY



Crl.O.P.No.6756 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6756 of 2023

Prema Rajappa

...

Petitioner

/vs/

The State represented by

1.The Deputy Superintendent of Police,
Ooty Town, The Nilgiris.

2.The Inspector of Police,
Kothagiri Police Station,
The Nilgiris.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C to direct the Principal District and Sessions Judge, The Nilgiris at Ootacamund to consider the bail application of the petitioner on the same day of her surrender in Crime No.266 of 2022 on the file of the 2nd respondent.

For Petitioners

... Mr.K.Balasubramaniam

For Respondent

... Mr.S.Santhosh
Government Advocate (crl.side)



Crl.O.P.No.6756 of 2023

ORDER

This Criminal Original Petition has been filed seeking to direct the Principal District and Sessions Judge, The Nilgiris at Ootacamund to consider the bail application of the petitioner on the same day of her surrender in Crime No.266 of 2022 on the file of the 2nd respondent for the offences under Sections 3(1)(iv), 3(1)(v), 3(1)(viii) and 3(1)(ix) of SC/ST (Prevention of Atrocities), Act, 1989.

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, The Nilgiris at Ootacamund, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.266 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



Crl.O.P.No.6756 of 2023

date of the receipt of a copy of this Order.

WEB COPY

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.

27.03.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gd



WEB COPY



Crl.O.P.No.6756 of 2023

G.CHANDRASEKHARAN, J.

gd

To

1. The Principal District and Sessions Judge, The Nilgiris at Ootacamund.
2. The Deputy Superintendent of Police,
Ooty Town, The Nilgiris.
3. The Inspector of Police,
Kothagiri Police Station,
The Nilgiris.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6756 of 2023

27.03.2023