



WEB COPY



Crl.O.P.No.6785 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.6785 of 2023

1.Sanmugam @ Shanmugam

2.Mari

3.Sankar

...

Petitioners

/vs/

1.The Deputy Superintendent of Police,
Ulundurpet,
Villupuram District.

2.The State represented by
The Inspector of Police,
Ulundurpet Police Station,
Villupuram District.

(Crime No.98 of 2023)

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, directing the learned Principal District and Sessions Judge, (Special Court under SC & ST Atrocities Act) at Villupuram, Villupuram District to accept the surrender of the petitioners herein concerned in Crime No.98 of 2023 pending on the file of the Inspector of Police, Ulundurpet Police Station, Villupuram District and consider the bail petition on the same day itself.

For Petitioner

... Mr.K.Balu

For Respondent

... Mr.S.Santhosh

Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed for directing the learned Principal District and Sessions Judge, (Special Court under SC & ST Atrocities Act) at Villupuram, Villupuram District to accept the surrender of the petitioners herein concerned in Crime No.98 of 2023 for the offences under Sections 147, 294(b) and 506(i) of IPC and 3(1)(r) and 3(1)(s) of SC and ST (Prevention of Atrocities) Amendment Act, 2015 pending on the file of the Inspector of Police, Ulundurpet 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 under SC & ST Atrocities Act) at Villupuram, Villupuram District, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.98 of 2023 on the file of the second respondent and pass appropriate orders in accordance with law, after



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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.

27.03.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

gd

To

1. The Principal District and Sessions Judge, (Special Court under SC & ST Atrocities Act) at Villupuram, Villupuram District
- 2.The Deputy Superintendent of Police,
Ulundurpet,
Villupuram District.
- 3.The Inspector of Police,
Ulundurpet Police Station,
Villupuram District.
- 4.The Public Prosecutor,
High Court, Madras.

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