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Crl.O.P.No.6985 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.6985 of 2023

R.M.Gopaal Raj

... Petitioner

/vs/

1. The Deputy Superintendent of Police,
Wellington Police Station,
Nilgris District.

2. The State Represented by,
The Inspector Police,
Wellington Police Station,
Nilgiris District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Principal Sessions Judge at Uthagamandalam to consider the bail application of the petitioner and surrender on the same day in connection with Crime No.35 of 2023 registered for the offences under Section 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989) on the file of the respondent police.

For Petitioner

... Mr.C.Arun Kumar

For Respondents

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



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ORDER

This Criminal Original Petition has been filed seeking direction to the Principal Sessions Judge at Uthagamandalam to consider the bail application of the petitioner and surrender on the same day in connection with Crime No.35 of 2023 registered for the offences under Section 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989) on the file of the respondent police.

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 Principal Sessions Judge at Uthagamandalam to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.35 of 2023 registered for the offence under Section 3(1)(s) of SC/ST Act 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,



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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.

29.03.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
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G.CHANDRASEKHARAN, J.

Sma

To

1. The Deputy Superintendent of Police,
Wellington Police Station,
Nilgris District.
2. The State Represented by,
The Inspector Police,
Wellington Police Station,
Nilgiris District.
3. The Public Prosecutor,
High Court, Madras.

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