



WEB COPY



Crl.O.P.No.7653 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7653 of 2023

1.Chandiran

2.Visu

3.Janakiraman

... Petitioners

VS

1.The Deputy Superintendent of Police,
Arakonam.

2.Inspector of Police,
Banavaram Police Station,
Ranipet District.
(Crime No.139 of 2022)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Sessions Judge, Special Court for trial cases under SC/ST (Prevention of Atrocities) Act, Vellore District, to consider the bail application filed by the petitioner on their surrender in connection with Crime No.139 of 2022 on the file of the respondent Police on the same day.



Crl.O.P.No.7653 of 2023

For Petitioners : Mr.G.P.Sivakumar

For Respondents : Mr.S.Santhosh (For R1 and R2)
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Sessions Judge, Special Court for trial cases under SC/ST (Prevention of Atrocities) Act, Vellore District, to consider the bail application filed by the petitioner on their surrender in connection with Crime No.139 of 2022 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 learned Sessions Judge, Special Court for trial cases under SC/ST (Prevention of Atrocities) Act, Vellore District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.139 of 2022 registered for the offences under Sections 147, 148, 294 (b), 324 & 506 (2) IPC read with 3 (1) (r), 3 (1) (s)



Crl.O.P.No.7653 of 2023

and 3 (2) (va) of The Schedule Caste and the Schedule Tribes (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 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.

10.04.2023

Index: Yes/No
Speaking/Non speaking order



Crl.O.P.No.7653 of 2023

G.CHANDRASEKHARAN, J.

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To

- 1.The Sessions Judge,
Special Court for trial cases under SC/ST (Prevention of Atrocities) Act,
Vellore District.
- 2.The Deputy Superintendent of Police,
Arakonam.
- 3.Inspector of Police,
Banavaram Police Station,
Ranipet District.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7653 of 2023



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CrI.O.P.No.7653 of 2023

10.04.2023