



WEB COPY



Crl.O.P.No.8406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8406 of 2023

1.Vijay

2.Baskar @ Boss

3.Balamurugan @ Murugan

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Kallakurichi District.

2.The State Represented by
The Inspector of Police,
Ulundurpet Police station,
Kallakurichi District.
(Crime No.416 of 2020)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Special District Judge, (POA Court), Villupuram, to consider the bail application sympathetically and pass orders on merits on the same day on the petitioners' surrender in connection with the Crime No.416 of 2020 pending before the respondent Police.



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For Petitioner : Mr.P.Rajendiran

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Special District Judge, (POA Court), Villupuram, to consider the bail application filed by the petitioners on their surrender in connection with Crime No.416 of 2020 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 Special District Judge, (POA Court), Villupuram, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.416 of 2020 registered for the offences under Section 147, 148, 294 (b), 506 (2) I.P.C. read with Sections 3 (1) (r), 3 (1) (s) & 3 (2) (va) of The Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, on the file of the respondent and pass



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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 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.

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Index: Yes/No
Speaking/Non speaking order
ep



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G.CHANDRASEKHARAN, J.

ep

To

- 1.The Special District Judge, (POA Court), Villupuram,
- 2.The Deputy Superintendent of Police,
Kallakurichi District.
- 3.The State Represented by
The Inspector of Police,
Ulundurpet Police station,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court, Madras.

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