



Crl.O.P.No.8579 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8579 of 2023

1. Arun @ Arunkumar
2. Babu

... Petitioners

Vs

1. The Deputy Superintendent of Police,
Kancheepuram,
Kancheepuram District.

2. The State represented by
Inspector of Police,
Baluchettychatram Police Station,
Kancheepuram District.
(Crime No.108 of 2023)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to pass an order, directing the learned Principal District and Sessions Judge (Special Court under SC and ST Atrocities Act) at Chengalpet, Chengalpet District, to accept the surrender of the petitioners herein concerned in Crime No.108 of 2023 pending on the file of the Inspector of Police, Baluchettychathram Police Station, Kancheepuram District and consider the bail petition on the same day itself.

For Petitioners

... Mr.M.R.Elavarasan

For Respondents

... Mr.S.Santhosh

Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition has been filed directing the learned Principal District and Sessions Judge (Special Court under SC and ST Atrocities Act) at Chengalpet, Chengalpet District, to accept the surrender of the petitioners herein concerned in Crime No.108 of 2023, under Sections 147, 148, 294(b), 324, 354 of IPC, Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989, pending on the file of the Inspector of Police, Baluchettychathram Police Station, Kancheepuram 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 and ST Atrocities Act) at Chengalpet, Chengalpet District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.108 of 2023 pending on the file of the second respondent police and pass appropriate orders in accordance with law, after affording due opportunity to the victims under Section 15-A of the



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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.

20.04.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
mn



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G.CHANDRASEKHARAN, J.

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To

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

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20.04.2023