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Crl.O.P.No.8654 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.8654 of 2023

Vimalraj @ Vimalkumar

Vs

... Petitioner

1. The State represented by,
The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Mayiladuthurai.

2. The Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District.
(Crime No.26 of 2023)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to pass an order directing the learned District and Sessions Judge, Special Court for SC/ST Act, Nagapattinam to accept the surrender of the petitioner herein and consider the bail petition concerned in Crime No.26 of 2023 on the file of the Inspector of Police, Kuthalam Police Station, Mayiladuthurai District on the same day itself.

For Petitioner

... Mr.C.T.Saravanan

For Respondents

... Mr.S.Santhosh

Government Advocate (Crl.side)

ORDER



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This Criminal Original Petition has been filed directing the learned District and Sessions Judge, Special Court for SC/ST Act, Nagapattinam to accept the surrender of the petitioner herein and consider the bail petition concerned in Crime No.26 of 2023 under Sections 147, 148, 294(b), 324, 354 and 506(2) of IPC, Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015, on the file of the Inspector of Police, Kuthalam Police Station, Mayiladuturai District 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 District and Sessions Judge, Special Court for SC/ST Act, Nagapattinam, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.26 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 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



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Order.

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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.

20.04.2023

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



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G.CHANDRASEKHARAN, J.

mn

To

1. The District and Sessions Judge, Special Court for SC/ST Act, Nagapattinam.
2. The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Mayiladuthurai.
3. The Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District.
4. The Public Prosecutor,
High Court, Madras.

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