



WEB COPY



CrI.O.P.No.8985 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.8985 of 2023

Elumalai

... Petitioner

VS

1.The Deputy Superintendent of Police (DSP),
Chengam Sub-Division,
Thiruvannamalai District.

2.State By,
The Inspector of Police,
Pudupalayam Police Station,
Thiruvannamalai District.
(Crime No.167 of 2023)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal District Sessions Judge, Thiruvannamalai, (Special Court for SC/ST Prevention of Atrocities Act Cases), to consider the bail petition of the petitioners on the same day in the event of surrender by the petitioners and seeks bail in Crime No.167 of 2023 pending on the file of the Inspector of Police, Pudupalayam Police Station, Thiruvannamalai District.



CrI.O.P.No.8985 of 2023

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Principal District Sessions Judge, Thiruvannamalai, (Special Court for SC/ST Prevention of Atrocities Act Cases), to consider the bail application filed by the petitioner on their surrender in connection with Crime No.167 of 2023 on the file of the second 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 Principal District Sessions Judge, Thiruvannamalai, (Special Court for SC/ST Prevention of Atrocities Act Cases), to consider the petitioners' bail application, preferably on the same day of their surrender in



CrI.O.P.No.8985 of 2023

connection with Crime No.167 of 2023 registered for the offences under Sections 294 (b) & 506 (i) IPC read with 3 (1) (r) and 3 (1) (s) 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 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.

25.04.2023



Crl.O.P.No.8985 of 2023

Index: Yes/No
Speaking/Non speaking order

WEB COPY

ep

G.CHANDRASEKHARAN, J.

ep

To

- 1.The Principal District Sessions Judge,
Special Court for trial cases under SC/ST (Prevention of Atrocities) Act,
Thiruvannamalai District.
- 2.The Deputy Superintendent of Police (DSP),
Chengam Sub-Division,
Thiruvannamalai District.
- 3.State By,
The Inspector of Police,
Pudupalayam Police Station,
Thiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.8985 of 2023



WEB COPY



CrI.O.P.No.8985 of 2023

25.04.2023