



Crl.O.P.No.9048 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.9048 of 2023

A.Tamilselvan

... Petitioner

VS

1.The State represented by
The Deputy Superintendent of Police,
Salem District,
Salem.

2.The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.886 of 2020)

3.Naveen Kumar.M ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Sessions Judge, (Special Court for Exclusive trial of cases registered under SC/ST (Prevention of Atrocities) Act Cases, Salem District, to consider the petitioner bail application on the same day in the event of their surrender in Spl.S.C.No.14 of 2020 pending on the file of the learned Sessions Judge, (Special Court for Exclusive trial of cases registered under SC/ST (Prevention of Atrocities) Act Cases, Salem District.



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For Petitioner : Mr.Sanjay N.Gandhi

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Sessions Judge, (Special Court for Exclusive trial of cases registered under SC/ST (Prevention of Atrocities) Act Cases, Salem District, to consider the bail application filed by the petitioner on their surrender in connection with Spl.S.C.No.14 of 2020 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 Exclusive trial of cases registered under SC/ST (Prevention of Atrocities) Act Cases, Salem District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Spl.S.C.No.14 of 2020 registered for the offences under Sections 147, 148, 294 (b), 324, 307, 506 (2) and 302 IPC



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read with 3 (1) (r), 3 (1) (s), 3 (2) (va) , 3 (2) (v) and 3 (2) (VI) of The Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Act, 1989, 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.

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Index: Yes/No
Speaking/Non speaking order



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G.CHANDRASEKHARAN, J.

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To

- 1.The Sessions Judge,
Special Court for exclusive trial of cases
under SC/ST (Prevention of Atrocities) Act,
Salem District.
- 2.The State represented by
The Deputy Superintendent of Police,
Salem District,
Salem.
- 3.The Inspector of Police,
Omalur Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.

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