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Crl.O.P.No.9799 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.9799 of 2023

1. Puttammattu Senthil @ Ayyamperumal
2. Kullapalayathan Rayappan @ Rajendiran ... Petitioners

Vs

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

2. The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
(Crime No.329 of 2015)
(SC No.18 of 2016)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the learned District Sessions Court cum Special Court for SC/ST at Villupuram to consider the bail petition filed by the petitioners on the same day in SC.No.18 of 2016 on the file of the learned District Sessions Court Cum Special Court for SC/ST at Villupuram and Villupuram district.

For Petitioners	...	Mr.P.Rajavel
For Respondents	...	Mr.S.Santhosh
		Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition has been filed directing the learned District Sessions Court cum Special Court for SC/ST at Villupuram to consider the bail petition filed by the petitioners on the same day in SC.No.18 of 2016 on the file of the learned District Sessions Court Cum Special Court for SC/ST at Villupuram and Villupuram district.

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 District Sessions Court cum Special Court for SC/ST at Villupuram, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with SC.No.18 of 2016 pending on the file of the District Sessions Court Cum Special Court for SC/ST at Villupuram and Villupuram district 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 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.



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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 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.

28.04.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

mn

To

1. The District Sessions Court Cum Special Court for SC/ST at Villupuram, Villupuram district.
2. The Deputy Superintendent of Police,
Kallakurichi,
Kallakurichi District.
3. The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
4. The Public Prosecutor,
High Court, Madras.

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28.04.2023