



Crl.O.P.No.9542 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.9542 of 2023

Senthilkumar

... Petitioner

Vs

1. The State represented by:-
The Deputy Superintendent of Police,
Thiruvarur Division,
Thiruvarur.

2. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.
(Crime No.131 of 2023)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the Learned First Additional District Sessions Court (PCR) Judge, Thanjavur to consider the bail petition preferred by the petitioner upon his surrender in Crime No.131 of 2023 on the file of the second Respondent Police on the same day.

For Petitioner

... Mr.Swamisubramanian

For Respondents

... Mr.S.Santhosh

Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed directing the First Additional District Sessions Court (PCR) Judge, Thanjavur to consider the bail petition preferred by the petitioner upon his surrender in Crime No.131 of 2023, under Sections 341, 294(b), 506(2) of IPC, Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities), Act, 1989, 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 First Additional District Sessions Court (PCR) Judge, Thanjavur, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.131 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



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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 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.

28.04.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

mn

To

1. The First Additional District Sessions Court (PCR) Judge, Thanjavur.
2. The Deputy Superintendent of Police,
Thiruvarur Division,
Thiruvarur.
3. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.
4. The Public Prosecutor,
High Court, Madras.

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