



CRL.O.P.No.10483 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No.10483 of 2023

1.Doss
2.Velakanni
3.Jamuna
4.Santhi

... Petitioners

Vs

1.The Assistant Commissioner of Police,
Guindy Range,
Chennai District.

2.The State rep by
The Inspector of Police,
J-7 Velachery Police Station,
Chennai District.
Crime No.52 of 2023

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Special Judge at Chennai under SC & ST (Prevention of Atrocities) Act Principal Sessions Court, Chennai to consider the bail application of the petitioner in Crime No.52 of 2023 pending on the file of the second respondent on their surrender on the same day.



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For Petitioners : Mr.J.William Shakesphere

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

ORDER

This petition is filed for a direction to the learned Special Judge for SC & ST (Prevention of Atrocities) Act, Principal Sessions Court, Chennai, to consider the petitioners' bail petition on the same day of their surrender in connection with Crime No.52 of 2023, since the offences are pertaining to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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 Special Judge for SC & ST (Prevention of Atrocities) Act, Principal Sessions Court, Chennai, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime



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No.52 of 2023 and pass appropriate orders in accordance with law, after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. 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.

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. With the above direction, the Criminal Original Petition stands allowed.

05.05.2023

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Internet:Yes

Index:Yes/no

Speaking/Non speaking order

Note: Issue order copy on 05.05.2023

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Special Judge for SC & ST
(Prevention of Atrocities) Act,
Principal Sessions Court, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

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