



CRL.O.P.No.10523 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.10523 of 2023

A.Balu

... Petitioner

Vs

1.The Assistant Commissioner of Police,
Office of Assistant Commissioner of Police,
Kannathur, Chennai 603 112.

2.The Inspector of Police,
Kelambakkam Police Station,
Chengalpattu District.
Crime No.120 of 2023

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the District and Sessions Judge, Special Court for SC/ST Act cases, Chengalpattu to consider the bail application of the petitioner on the same day of his surrender pertaining to the Crime No.120 of 2023 on the file of the second respondent Police.

For Petitioner : Mr.G.Sai Narayanavasan

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



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ORDER

This petition is filed for a direction to the learned District and Sessions Judge, Special Court for SC & ST Act cases, Chengalpattu, to consider the petitioner's bail petition on the same day of his surrender in connection with Crime No.120 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 District and Sessions Judge, Special Court for SC & ST Act cases, Chengalpattu, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.120 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



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

05.05.2023

vkf

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.

vkr

To

- 1.The District and Sessions Judge,
Special Court for SC & ST Act cases,
Chengalpattu.
- 2.The Public Prosecutor,
High Court, Madras.

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