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Crl OP No.11161 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No. 11161 of 2023

1. Elumalai
2. Sankar
3. Selvaraj

... Petitioners

Versus

The Inspector of Police,
Chengam Police Station,
Tiruvannamalai District.
Crime No.233 of 2023.

... Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to direct the learned Special Court for the Exclusive Trial of SC/ ST Act, Sessions Judge, Tiruvannamalai, to accept the surrender of the petitioners and to consider the bail petition on the same day in Crime No.233 of 2023 on the file of the respondent police.



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For Petitioners : Mr. M.Sivakumar
For Respondents : Mr. S.Balaji
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking direction to the Sessions Judge, Special Court for the Exclusive Trial of SC/ ST Act, Tiruvannamalai to consider the bail application proposed to be filed by the petitioners on their surrender in connection with Crime No.233 of 2023 on the file of the 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 facts of the case, there shall be a direction to the Special Court for S.C & S.T Act Cases, Tiruvannamalai to consider the petitioners' bail application on the same day of their surrender in connection with ***Crime No.233 of 2023*** registered for the offence under ***Sections 294(b), 323, 385,***



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506(ii) of IPC and r/w Sections 3(1)(s), 3(2)(va) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Amendment Act,

2015 and Section 4 of TNPWH Act on the file of the respondent and pass appropriate orders in accordance with law. 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.

3. 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, after affording due opportunity to the victims under Section 15-A of the SC/ST (POA) Act, 1989,

4. In view of the above, the Criminal Original Petition stands allowed. No costs.

11.05.2023

drl

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To

- 1.The Sessions Judge,
Special Court for the Exclusive Trial of SC and ST Cases,
Tiruvannamalai.
- 2.The Inspector of Police,
Chengam Police Station,
Tiruvannamalai District.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

drl

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