



CRL.O.P.No.11217 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

CRL.O.P.No.11217 of 2023

1. Prakash @ Prakash Gounder,
2. Murthy @ Thirumurthy

... Petitioners

Vs

1. Deputy Superintendent of Police,
Erode, Erode District.

2. The State of Tamilnadu,
The Inspector of Police,
Arachalur Police Station,
Erode District.

Crime No.106 of 2023

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Principal District and Sessions Judge, Erode, to consider the bail application of the petitioners in Crime No.106 of 2023 on the same day of surrender.

For Petitioners : Mr.P. Lakshmikandan

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (crl.side)



CRL.O.P.No.11217 of 2023

ORDER

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This petition is filed for a direction to the Principal District and Sessions Judge, under SC/ST (Prevention of Atrocities) Act cases, Erode, to consider the petitioner's bail petition on the same day of their surrender in with Crime No.106 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 the Principal District and Sessions Judge, Erode, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No. 106 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



CRL.O.P.No.11217 of 2023

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.

17.05.223

Lbm

Internet:Yes

Index:Yes/no

Speaking/Non speaking order

A.A. NAKKIRAN, J.

Lbm

Page 3 of 4



CRL.O.P.No.11217 of 2023

To
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- 1.The Principal District and Sessions Judge,
Erode,
- 2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.11217 of 2023

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