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CRL.O.P.No.11263 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.11263 of 2023

D. Ajith

... Petitioner

Vs

The State represented by
The Inspector of Police,
Karipatty Police Station,
Salem District.
Crime No.133 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Principal District and Sessions Judge, Salem to consider the bail application of the petitioner in Crime No.133 of 2023 on the same day.

For Petitioner : Mr.S. Sathish

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



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ORDER

This petition is filed for a direction to Principal District and Sessions Judge, Salem, under SC/ST (Prevention of Atrocities) Act cases, to consider the petitioner's bail petition on the same day of his surrender in connection with Crime No.133 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 Principal District and Sessions Judge, Salem, under SC/ST (Prevention of Atrocities) Act cases, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 133 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 petitioner shall surrender before the concerned jurisdictional Court within a



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period of fifteen days 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. With the above direction, the Criminal Original Petition stands allowed.

17.05.2023

Lbm

Internet:Yes

Index:Yes/no

Speaking/Non speaking order

A.A. NAKKIRAN, J.

Lbm

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1.The Principal District and Sessions Judge, Salem

2.The Public Prosecutor,
High Court, Madras.

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