



CRL.O.P.No.11292 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.11292 of 2023

Hari @ Hari Prakash

... Petitioner

Vs

1.The Assistant Superintendent of Police,
Pollachi Sub-Division, Coimbatore District.

2. The Inspector of Police,
Pollachi West Police Station,
Pollachi, Coimbatore.

Crime No.134 of 2023

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Principal District and Sessions Judge, under SC/ST (POA) Act Cases, Coimbatore District, to consider the bail application of the petitioner in Crime No.134 of 2023 on the same day

For Petitioner : Mr.S. Sathish

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



CRL.O.P.No.11292 of 2023

ORDER

This petition is filed for a direction to Principal District and Sessions Judge, under SC/ST (Prevention of Atrocities) Act cases, Coimbatore District, to consider the petitioner's bail petition on the same day on his surrender in connection with Crime No.134 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, under SC/ST (Prevention of Atrocities) Act cases, Coimbatore District, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 134 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 period of fifteen days from the date of the receipt of a copy of



CRL.O.P.No.11292 of 2023

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

To

Page 3 of 4



CRL.O.P.No.11292 of 2023

1.The Principal District and Sessions Judge,
under SC/ST (Prevention of Atrocities) Act cases,
Coimbatore District,

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.11292 of 2023

17.05.2023