



Crl.O.P.No.11537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE **A.A. NAKKIRAN**

Crl.O.P.No.11537 of 2023

1.Selvam

2.S.Venkatesan

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Vandavasi Town,
Vandavasi,
Tiruvannamalai District.

2.The Inspector of Police,
Vadavanakkambadi Police Station,
Vadavanakkambadi,
Tiruvannamalai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Special Court for SC and ST Act cases, Tiruvannamalai to consider the bail applications proposed to be filed by the petitioners in Crime No.40 of 2023 pending on the file of Vadavanakkambadi Police Station on the same day, when the petitioners are surrender before the Court.



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For Petitioners : Mr.B.Jawahar

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

ORDER

This petition is filed for a direction to the Special Court for SC and ST Act cases, Tiruvannamalai to consider the petitioners' bail petition on the same day on their surrender in connection with Crime No.40 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 Special Court for SC and ST Act cases, Tiruvannamalai District to consider the petitioners' bail application, preferably on the same day of his surrender in connection with Crime No.40 of 2023 and pass appropriate orders in accordance with law, after affording due opportunity to the victim under



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Section 15(a) of the SC/ST Act. 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.

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 petitioners 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.

18.05.2023

vum/vga

Index:Yes/no

Speaking/Non speaking order



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A.A. NAKKIRAN, J.

vum/vga

To

- 1.The Deputy Superintendent of Police,
Vandavasi Town,
Vandavasi,
Tiruvannamalai District.
- 2.The Inspector of Police,
Vadavanakkambadi Police Station,
Vadavanakkambadi,
Tiruvannamalai District.
- 3.The Special Court for SC and ST Act cases,
Tiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

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