



Crl.O.P.No.11605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

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Loganathan

... Petitioner

Vs.

1. State rep. by
The Deputy Superintendent of Police,
Dharmapuri District.

2. The State represented by,
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
(Crime No.111 of 2023)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Principal District and Sessions Judge, Dharmapuri (Special Judge for SC/ST Act Cases), to consider the petitioner's bail application to be filed on the same day on his surrender in Crime No.111 of 2023 pending investigation on the file of the 2nd respondent.



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For Petitioner : Mr.A.Sathish kumar

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

ORDER

This petition is filed for a direction to the learned Principal District and Sessions Judge, Dharmapuri (Special Judge for SC/ST Act Cases) to consider the petitioner's bail petition on the same day on his surrender in connection with Crime No.111 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 learned Principal District and Sessions Judge, Dharmapuri (Special Judge for SC/ST Act Cases) to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No. 111 of 2023 and



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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 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.

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 Principal District and Sessions Judge,
Dharmapuri.
(Special Judge for SC/ST Act Cases)
- 2.The Deputy Superintendent of Police,
Dharmapuri District.
3. The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
- 4.The Public Prosecutor,
High Court, Chennai.

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