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Crl.O.P.No.11753 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.11753 of 2023

1.Chinnappa Gounder @ Thirumalaisamy

2.Narayanasamy

... Petitioners

VS

1.The State Rep by
The Deputy Superintendent of Police,
Tiruppur District.

2.State rep. by,
The Inspector of Police
Dharapuram Police Station,
Tiruppur District.
Crime.No.238 of 2023.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal District and Sessions Special Judge, Tiruppur (Special Judge for SC/ST Act Cases), to consider the petitioners bail application to be filed on the same day on their surrender in Crime No.238 of 2023 pending investigation on the file of the 2nd respondent.

For Petitioners : Mr.C.Ramkumar



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For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Principal District and Sessions Special Judge, Tiruppur (Special Judge for SC/ST Act Cases), to accept the petitioners surrender application and consider the petitioners bail application on the same day in connecting with Crime No.238 of 2023 on the file of the Inspector of Police, Dharapuram Police Station, Tiruppur District.

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 learned Principal District and Sessions Special Judge, Tiruppur (Special Judge for SC/ST Act Cases), to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.238 of 2023 registered for the offences under Sections 294 (b), 323, 324 & 506 (1) IPC read with Section 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 on the file of the second



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respondent and pass appropriate orders in accordance with law, after affording due opportunity to the victims under Section 15-A of the SC/ST (POA) Act, 1989. 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. In view of the above, the Criminal Original Petition stands allowed.

02.06.2023

Index: Yes/No
Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

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To

- 1.The State Rep by
The Deputy Superintendent of Police,
Tiruppur District.
- 2.State rep. by,
The Inspector of Police
Dharapuram Police Station,
Tiruppur District.
- 3.The Public Prosecutor,
High Court, Madras.

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