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Crl.O.P.No.12520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12520 of 2023

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Vs

... Petitioner

The State represented by:-

1. The Deputy Superintendent of Police,
Rasipuram,
Namakkal District.

2. The Inspector of Police,
Rasipuram Police Station,
Namakkal,
Namakkal District.

(Crime No.257 of 2023)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the learned Special Court under SC/ST (POA) Act cases, Namakkal District to consider the bail application filed by the petitioner on his surrender in connection with Crime No.257 of 2023 on the file of the second respondent Police on the same day.

For Petitioner
For Respondents

... Mr.W.Camyles Gandhi
... Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed directing the learned Special Court under SC/ST (POA) Act cases, Namakkal District to consider the bail application filed by the petitioner on his surrender in connection with Crime No.257 of 2023 registered under Sections 294(b), 324, 506(ii) of IPC @ under Sections 294(b), 324, 506(ii) of IPC r/w Sections 3(1)(s), 3(2)(Va) of SC/ST (POA) Act, 1989, on the file of the second respondent Police on the same day.

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 Special Court under SC/ST (POA) Act cases, Namakkal District, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.257 of 2023 pending on the file of the second respondent police 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 petitioner shall surrender before the concerned Jurisdictional Court, within a period of fifteen days



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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. In view of the above, the Criminal Original Petition stands allowed.

07.06.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

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To

1. The Special Court under SC/ST (POA) Act cases, Namakkal District.
2. The Deputy Superintendent of Police,
Rasipuram,
Namakkal District.
3. The Inspector of Police,
Rasipuram Police Station,
Namakkal,
Namakkal District.
4. The Public Prosecutor,
High Court, Madras.

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