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Crl.O.P.No.12475 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

Crl.O.P.No.12475 of 2023

1. Logu @ Loganathan
2. Bala @ Balamurugan

... Petitioners

/vs/

1. The Superintendent of Police,
The Superintendent office,
Pondicherry.

2. The State Represented by,
The Sub Inspector of Police,
Thiurpuvanai Police Station,
Puducherry.

Crime No.63 of 2023

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Additional Sessions Judge II, Puducherry to consider the bail application that may be preferred by the petitioners in Crime No.63 of 2023 dated 27.05.2023 on the file of the 2nd respondent police namely the Sub Inspector of police, Thirupuvanani Police Station, Puducherry on the same day of the petitioners surrender.

For Petitioner

... Mr.E.Anbarasan

For Respondents

... Mr.M.V.Ramachandramurthy
Additional Public Prosecutor
(Pondicherry)
Assisted by Mr.A.Alexander



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Crl.O.P.No.12475 of 2023

Government Advocate (Crl. Side)
(Pondicherry)

ORDER

This Criminal Original Petition has been filed seeking direction to the Additional Sessions Judge II, Puducherry to consider the bail application that may be preferred by the petitioners in Crime No.63 of 2023 dated 27.05.2023 on the file of the 2nd respondent police namely the Sub Inspector of police, Thirupuvanani Police Station, Puducherry on the same day of the petitioners surrender.

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 Additional Sessions Judge II, Puducherry to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.63 of 2023 registered for the offence under Sections 341, 294(b), 324, 506(ii) read with Section 34 of IPC and Section 3(1)(r) of SC



Crl.O.P.No.12475 of 2023

and ST (Prevention of Atrocities) Act, 1989 (Amendment 2015) on the file of the second 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 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. In view of the above, the Criminal Original Petition stands allowed.

05.06.2023

Index: Yes/No
Speaking/Non speaking order
Sma



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Crl.O.P.No.12475 of 2023

RMT. TEEKAA RAMAN J.

Sma

To

1. The Superintendent of Police,
The Superintendent office,
Pondicherry.
2. The State Represented by,
The Sub Inspector of Police,
Thiurpuvanai Police Station,
Puducherry.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12475 of 2023

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