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CrI.O.P.No.12998 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.12998 of 2023

U.Kiruba

... Petitioner

/vs/

1. The Deputy Superintendent of Police,
Karipatty Police Station,
Salem District.

2. The Inspector of Police,
Karipatty Police Station,
Salem District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to issue necessary direction to the learned Principal Session District Judge (Special Court for Exclusive Trial of Cases under the SC/ST Prevention of Atrocities Act 1989 read with New Amendment Act, 2015 at Villupuram to accept the surrender of the petitioner herein connected in Crime No.133 of 2023 on the file of the 2nd Respondent Police, Salem and consider the bail petition on the same day.

For Petitioner

... Mr.S.Premakumari

For Respondents

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



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ORDER

This Criminal Original Petition has been filed seeking direction to the learned Principal Session District Judge (Special Court for Exclusive Trial of Cases under the SC/ST Prevention of Atrocities Act 1989 read with New Amendment Act, 2015 at Villupuram to accept the surrender of the petitioner herein connected in Crime No.133 of 2023 on the file of the 2nd Respondent Police, Salem and consider the bail petition 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 Principal Session District Judge (Special Court for Exclusive Trial of Cases under the SC/ST Prevention of Atrocities Act 1989 read with New Amendment Act, 2015 at Villupuram to consider the petitioner's bail application, on his surrender in connection with Crime No.133 of 2023 registered for the offence under Sections 147, 148, 294(B), 323, 324, 307, 506(II) of IPC read with Section 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Authorities) Amendment Act,



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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, does not amount to consider it favourably.

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

12.06.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
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G.CHANDRASEKHARAN, J.

Sma

To

1. The Deputy Superintendent of Police,
Karipatty Police Station,
Salem District.
2. The Inspector of Police,
Karipatty Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

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