



Crl.O.P.No.13316 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13316 of 2023

Devaraj

... Petitioner

/vs/

1. The Deputy Superintendent of Police,
The Deputy Superintendent of Police Office,
Collectorate,
Dharmapuri.

2. The State rep by,
Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal District and Sessions Judge at Dharmapuri (Special Judge for SC/ST Act Cases) to consider the petitioner bail application to be filed on the same day on his surrender in Crime No.111 of 2023 pending disposal of the case.

For Petitioner

... M/s.V.Balamurugan

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 District and Sessions Judge at Dharmapuri (Special Judge for SC/ST Act Cases) to consider the petitioner bail application to be filed on the same day on his surrender in Crime No.111 of 2023 pending disposal of the case.

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 District and Sessions Judge at 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 registered for the offences under Sections 147, 294(b), 323, 506(i) IPC read with Section 3(1)(r), 3(1)(s) read with Section 3(2)(va) SC/ST (Prevention of Atrocities) Act, 1989 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,



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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.

16.06.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
Sma



WEB COPY



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G.CHANDRASEKHARAN, J.

Sma

To

1. The Deputy Superintendent of Police,
The Deputy Superintendent of Police Office,
Collectorate,
Dharmapuri.
2. Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

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