



WEB COPY



CrI.O.P.No.12783 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.12783 of 2023

Kanagaraj

... Petitioner

/vs/

1. The Deputy Superintendent of Police,
Kangayam,
Tiruppur District.

2. The State rep by
Inspector of Police,
Uthiyur Police Station,
Tiruppur District.
Crime No.69 of 2023

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Judge for SC & ST Act Cases/ Principal Sessions Court, Tiruppur to consider the bail petition to be filed by the petitioner on his surrender on the same day on merits in connection with the case in Crime No.69 of 2023 pending investigation on the file of the respondent police.

For Petitioner

... Mr.V.Anandhamoorthy

For Respondents

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



Crl.O.P.No.12783 of 2023

ORDER

This Criminal Original Petition has been filed seeking direction to the Special Judge for SC & ST Act Cases/ Principal Sessions Court, Tiruppur to consider the bail petition to be filed by the petitioner on his surrender on the same day on merits in connection with the case in Crime No.69 of 2023 pending investigation on the file of the respondent police.

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 Special Judge for SC & ST Act Cases/ Principal Sessions Court, Tiruppur to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.69 of 2023 registered for the offence under Sections 3(1)(r) and (s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 323 of IPC 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



Crl.O.P.No.12783 of 2023

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.

08.06.2023

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



WEB COPY



Crl.O.P.No.12783 of 2023

G.CHANDRASEKHARAN, J.

Sma

To

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

Crl.O.P.No.12783 of 2023

08.06.2023