



WEB COPY



Crl.O.P.No.13423 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

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1. Chinnaponnu @ Sivagami
2. Elavarasan
3. Tamizharasan
4. Rathinam @ Rathnasamy
5. Selvaprakash
6. Balamurugan

... Petitioners

/vs/

1. The Deputy Superintendent of Police,
Neyveli,
Cuddalore District.

2. State Rep By,
Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
Crime No.39 of 2023

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC & ST Act at Cuddalore, Cuddalore District to consider the bail application on the same day of surrender in connection with Crime No.39 of 2023 on the file of the respondent police.



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For Petitioners	...	M/s.K.Vijayakumar
For R1 & R2	...	Mr. Leonard Arul Joseph Selvam Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking direction to the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC & ST Act at Cuddalore, Cuddalore District to consider the bail application on the same day of surrender in connection with Crime No.39 of 2023 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 learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC & ST Act at Cuddalore, Cuddalore District to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.39 of 2023 registered for the offences under Sections 147, 294(b), 324, 506(2) of IPC read with Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Prevention of Atrocities Amendment



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Act, 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 petitioners 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 petitioners 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, this Criminal Original Petition stands allowed.

16.06.2023

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



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G.CHANDRASEKHARAN, J.

Sma

To

1. The Deputy Superintendent of Police,
Neyveli,
Cuddalore District.
2. Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

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