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Crl.O.P.No.13977 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13977 of 2023

1.Sujithkumar

2.Gokul Senthilkumar

... Petitioners

Vs

1.The Deputy Superintendent
Harur,
Dharmapuri District.

2.State represented by
Inspector of Police
A.Pallipatti Police Station,
Dharmapuri District.
Crime No.55 of 2023

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Special Judge for SC/ST (Prevention of Atrocities Act), Cases at Dharmapuri/Principal District Judge, Dharmapuri to consider the bail petition to be filed by the petitioners on the same day as that on which the petitioners surrender before the Court in connection with Crime No.55 of 2023 on the file of the respondent Police.

For Petitioners : Mr.K.Prasanna



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CrI.O.P.No.13977 of 2023

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

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Special Judge for SC/ST (Prevention of Atrocities Act), Cases at Dharmapuri/Principal District Judge, Dharmapuri, to consider the bail application filed by the petitioners on their surrender in connection with Crime No.55 of 2023 on the file of the respondent Police 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 learned Special Judge for SC/ST (Prevention of Atrocities Act), Cases at Dharmapuri/Principal District Judge, Dharmapuri, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.55 of 2023 registered for the offences under Sections 147, 148, 323, 324, 355, 506 (2) I.P.C. r/w Section 3 (1) (r), 3 (1) (s) and 3 (2) (va) of The Schedule Caste and the Schedule Tribes



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(Prevention of Atrocities) Act, 1989, on the file of the 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, the Criminal Original Petition stands allowed.

22.06.2023

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

ep

To

- 1.The Deputy Superintendent
Harur,
Dharmapuri District.
- 2.State represented by
Inspector of Police
A.Pallipatti Police Station,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court, Madras.

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