



Crl.O.P.No.13776 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13776 of 2023

1.G.Sathish @ Sathiskumar

2.K.Thirumoorthy

3.E.Muthukrishnan

4.R.Balu @ Balamurali

5.Senthil Kumar

6.Naveen Kumar

... Petitioners

Vs

1.The State Rep by
The Deputy Superintendent of Police,
Tiruvannamalai Town
Tiruvannamalai District.

2.The State Represented
Kilpennathur Police Station,
Tiruvannamalai District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal Sessions Judge under SC/ST (POA)



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Act Cases, Tiruvannamalai District, to consider the bail application to be filed by the petitioners on his surrender in connection with in Crime No.170 of 2023 on the file of the 2nd respondent Police on the same day.

For Petitioners : Mr.B.Manoharan

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)
(For R1 and R2)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Principal Sessions Judge under SC/ST (POA) Act Cases, Tiruvannamalai District, to consider the bail application filed by the petitioners on their surrender in connection with Crime No.170 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 the learned Principal Sessions Judge under SC/ST (POA) Act Cases, Tiruvannamalai District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime



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No.170 of 2023 registered for the offences under Sections 147, 294 (b),

323 IPC read with Section 3 (1) (s) and 3 (2) (va) of The Schedule Caste

and the Schedule Tribes (Prevention of Atrocities) Amendment 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, the Criminal Original Petition stands allowed.

19.06.2023

Index: Yes/No



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Speaking/Non speaking order
ep

G.CHANDRASEKHARAN, J.

ep

To

- 1.The Principal Sessions Judge,
Special Court for trial cases under SC/ST (Prevention of Atrocities) Act,
Tiruvannamalai District.
- 2.The Deputy Superintendent of Police,
Tiruvannamalai Town
Tiruvannamalai District.
- 2.The State Represented
Kilpennathur Police Station,
Tiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

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