



WEB COPY



Crl.O.P.No.14532 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 28.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.14532 of 2023**

1.Mayilsamy

2.Prathip @ Pradeep

3.Ajith

4.Thangamani

... Petitioners

Vs

1.State Rep by  
The Deputy Superintendent of Police,  
Dharmapuri Sub Division,  
Dharmapuri District.

2.The Inspector of Police,  
Thoppur Police Station,  
Dharmapuri District.  
(Crime No.111 of 2023)

... Respondents

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal District and Sessions Judge, Dharmapuri, to accept the surrender of the petitioners and to consider the bail petition on the same day in Crime No.111 of 2023 on the file of the 2<sup>nd</sup>



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respondent Police.

For Petitioners : Mr.C.Deepakkumar

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 District and Sessions Judge, Dharmapuri, to consider the bail application filed by the petitioners on their surrender in connection with Crime No.111 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 Principal District and Sessions Judge, Dharmapuri, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.111 of 2023 registered for the offences under Sections 147, 294 (b), 323, 506 (i) I.P.C. r/w Section 3 (1) (r), 3 (1) (s) and



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3 (2) (va) of The Schedule Caste and the Schedule Tribes (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, 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.

**28.06.2023**

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

ep

To

- 1.The Principal District and Sessions Judge, Dharmapuri.
- 2.State Rep by  
The Deputy Superintendent of Police,  
Dharmapuri Sub Division,  
Dharmapuri District.
- 3.The Inspector of Police,  
Thoppur Police Station,  
Dharmapuri District.
- 4.The Public Prosecutor,  
High Court, Madras.

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