



CrI.O.P.No.13684 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.13684 of 2023

Esawaramoorthy

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Erode District.
Erode.

2.The Inspector of Police,
Bhavanisagar Police Station,
Erode District.
(Crime No.101 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/Special Courts for SC/ST Cases, Erode, to consider the bail application of the petitioner herein on the very same day of surrender pertaining to the Crime No.101 of 2023 on the file of the Bhavanisagar Police Station, Erode District.

For Petitioner : Mr.M.Guruprasad

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



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ORDER

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This Criminal Original Petition has been filed seeking for a direction to the learned Principal District and Sessions Judge/Special Courts for SC/ST Cases, Erode, to consider the bail application filed by the petitioner on their surrender in connection with Crime No.101 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/Special Courts for SC/ST Cases, Erode, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.101 of 2023 registered for the offences under Sections 3 (1) (r), 3 (1) (s) and 3 (2) (va) of The Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, r/w Section 294 (b) and 506 (2) I.P.C on the file of the second respondent and pass appropriate orders in accordance with law,



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after affording due opportunity to the victims under Section 15-A of the SC/ST (POA) Act, 1989. The petitioner 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 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.

19.06.2023

Index: Yes/No
Speaking/Non speaking order
ep



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G.CHANDRASEKHARAN, J.

ep

To

- 1.The Principal District and Sessions Judge
Special Court for trial cases under SC/ST (Prevention of Atrocities) Act,
Erode District.
- 2.The Deputy Superintendent of Police,
Erode District.
Erode.
- 3.The Inspector of Police,
Bhavanisagar Police Station,
Erode District.
- 4.The Public Prosecutor,
High Court, Madras.

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