



WEB COPY



CrI.O.P.No.13841 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.13841 of 2023

1.Munusamy
2.Manjula
3.Bharathy

...

Petitioners

VS

1.The Assistant Commissioner of Police,
Neelankarai Range, Chennai.

2.The Inspector of Police,
Neelankarai Police Station, Adayar,
Crime No.177 of 2023

3.Amudha

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, directing the Principal Sessions Judge for exclusive trial of SC/ST (POA) Act cases, Chengalpet to consider the bail application on the same day surrender for the petitioners in Crime No.177 of 2023 pending on the files of the respondent police.

For Petitioners
For R1 & 2

... Ms.M.Kruthika
... Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed for directing the Principal Sessions Judge for exclusive trial of SC/ST (POA) Act cases, Chengalpet to consider the bail application on the same day of their surrender of the petitioners in Crime No.177 of 2023 pending on the files 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 Principal Sessions Judge for exclusive trial of SC/ST (POA) Act cases, Chengalpet, to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.177 of 2023 for the offences under Sections 294(b), 506(i) of IPC and 3(2)(ii) and 3(2)(va) of SC/ST (POA) Amendment Act and on the file of the learned Principal Sessions Judge for exclusive trial of SC/ST (POA) Act cases, Chengalpet, and pass appropriate orders in accordance with law, after affording due opportunity to the victims under Section 15-A of the SC/ST



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(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.

21.06.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

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To

1. The Principal Sessions Judge for exclusive trial of SC/ST (POA) Act cases, Chengalpet.
2. The Assistant Commissioner of Police,
Neelankarai Range, Chennai.
3. The Inspector of Police,
Neelankarai Police Station, Adayar,
4. The Public Prosecutor,
High Court, Madras.

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