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CrI.O.P.No.14267 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.14267 of 2023

1. Ekambaram
2. Krishnaveni
3. Saravanan

... Petitioners

/vs/

1. The State Represented by,
The Deputy Superintendent of Police,
Dharmapuri,
Dharmapuri District.

2. State Represented by,
The Inspector of Police,
Kottapatti Police Station,
Kottapatti,
Dharmapuri District.
Crime No.123 of 2023

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Principal District and Sessions Judge, Dharmapuri to consider the bail applications of the petitioners on the same day of their surrender in crime No.123 of 2023 on the file of the Kottapatti Police Station, Kottapatti, Dharmapuri District.

For Petitioners

... M/s.V.Rajamohan

For R1 & R2

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



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ORDER

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This Criminal Original Petition has been filed seeking direction to the Principal District and Sessions Judge, Dharmapuri to consider the bail applications of the petitioners on the same day of their surrender in crime No.123 of 2023 on the file of the Kottapatti Police Station, Kottapatti, Dharmapuri District.

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.123 of 2023 registered for the offences under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC read with Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Prevention of Atrocities Amendment Act, 2015 read with Section 109 of IPC on the file of the second respondent and pass appropriate orders in accordance with law, after affording due



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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, this Criminal Original Petition stands allowed.

26.06.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
Sma

NOTE : Issue order copy on 27.06.2023



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G.CHANDRASEKHARAN, J.

Sma

To

1. The Deputy Superintendent of Police,
Dharmapuri,
Dharmapuri District.
2. The Inspector of Police,
Kottapatti Police Station,
Kottapatti,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

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