



WEB COPY



CrI.O.P.No.14428 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.14428 of 2023

Kakkaiyan @ Rajendiran

Vs

... Petitioner

1. The State represented by
The Deputy Superintendent of Police,
Ulundhurpet,
Kallakurichi District.

2. The State represented by
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
Crime No.384 of 2022

3. O.Bharath ... 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, Kallakurichi to consider the bail application of the petitioner herein on the same day of his surrender pertaining to the Crime No.384 of 2022 on the file of the Thirunavalur Police Station, Kallakurichi District by appreciating the above stated facts and circumstances.



WEB COPY



CrI.O.P.No.14428 of 2023

For Petitioner	...	M/s M.Rohini
For Respondents	...	Mr.Leonard Arul Joseph Selvam
R1 and R2		Government Advocate (CrI.side)

ORDER

This Criminal Original Petition has been filed directing the learned Principal District and Sessions Judge/Special Courts for SC/ST Cases, Kallakurichi to consider the bail application of the petitioner herein on the same day of his surrender pertaining to the Crime No.384 of 2022, registered for the offences under Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act, 2015, Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC, on the file of the Thirunavalur Police Station, Kallakurichi 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/Special Courts for SC/ST Cases, Kallakurichi, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.384 of 2022 pending on the file of the second respondent police and pass appropriate orders in accordance with law, after



Crl.O.P.No.14428 of 2023

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.

27.06.2023

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



WEB COPY



CrI.O.P.No.14428 of 2023

G.CHANDRASEKHARAN, J.

mn

To

1. The Principal District and Sessions Judge/Special Courts for SC/ST Cases,
Kallakurichi.
2. The Deputy Superintendent of Police,
Ulundhurpet,
Kallakurichi District.
3. The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
4. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.14428 of 2023

27.06.2023