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Crl.O.P.No.14465 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.14465 of 2023

1.Vijay

2.Arul Kumar

... Petitioners

Vs

1.State rep. By
The Deputy Superintendent of Police,
Katpadi,
Vellore District.

2.The Inspector of Police,
Katpadi Police Station,
Vellore District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the Special Court for Exclusive Trial of SC/ST Court, Vellore Vellore District, to consider petitioner's bail application on their surrender in Crime No.170 of 2023 on the file of the Inspector of Police, Katpadi Police Station, Vellore District.

For Petitioners : Mr.E.Kannadasan

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



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ORDER

This Criminal Original Petition has been filed seeking for a direction to Special Court for Exclusive Trial of SC/ST Court, Vellore Vellore District, to consider the bail application filed by the petitioners on their surrender in connection with Crime No.170 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 Special Court for Exclusive Trial of SC/ST Court, Vellore Vellore District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.170 of 2023 registered for the offences under Sections 294 (b), 498 (A) and 506 (2) I.P.C. 1860, r/w Section 3 (1) (r), 5 and 3 (2) (va) of The Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, and Section 4 of



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TN Prohibition of Harassment of Women Act, 2002, 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
ep



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G.CHANDRASEKHARAN, J.

ep

To

- 1.The Special Court for Exclusive Trial of SC/ST Court,
Vellore Vellore District
- 2.State rep. By
The Deputy Superintendent of Police,
Katpadi,
Vellore District.
- 3.The Inspector of Police,
Katpadi Police Station,
Vellore District.
- 4.The Public Prosecutor,
High Court, Madras.

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