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Crl.O.P.No.14418 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.14418 of 2023

1. Sugumar
2. Sundarambal Sundari
3. Rajammal

... Petitioners

Vs

State represented by its

1. The Assistant Commissioner of Police,
Salem Town,
Salem District.

2. The Inspector of Police,
All Women Police Station,
Salem Town,
Salem District.

(Crime No.41 of 2023)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to Direct the Learned Principal Sessions Judge under SC/ST (POA) Act Cases, Salem District to consider the bail application filed by the petitioners on his surrender in connection with Crime No.41 of 2023 on the file of the second respondent police on the same day.

For Petitioners
For Respondents

... Mr.W.Camyles Gandhi
... 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 directing the learned Principal Sessions Judge under SC/ST (POA) Act Cases, Salem District to consider the bail application filed by the petitioners on their surrender in connection with Crime No.41 of 2023, registered for the offences under Sections 498(A), 109 of IPC, Sections 3(1)(r), 3(1)(s) of the SC/ST (POA) Amendment Act, 2015, on the file of the second 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 Sessions Judge under SC/ST (POA) Act Cases, Salem District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.41 of 2023 pending on the file of the second respondent police 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



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period of fifteen days from the date of the receipt of a copy of this Order.

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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

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G.CHANDRASEKHARAN, J.

mn

To

1. The Principal Sessions Judge under SC/ST (POA) Act Cases, Salem District.
2. The Assistant Commissioner of Police,
Salem Town,
Salem District.
3. The Inspector of Police,
All Women Police Station,
Salem Town,
Salem District.
4. The Public Prosecutor,
High Court, Madras.

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