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Crl.O.P.No.23196 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23196 of 2023

Ramesh

... Petitioner

Vs.

The State Rep.by
Inspector of Police,
Salem Town Police Station,
Salem District.
Crime No.1052 of 2023

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the learned Principal Sessions Judge, and Special Judge for Prevention of SC & ST Atrocities Act, Salem to consider the bail application on the same day on surrender of the petitioner in Crime No.1052 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to direct the learned Principal Sessions Judge, and Special Judge for Prevention of SC & ST Atrocities



Act, Salem to consider the bail application on surrender.

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2. The absconding accused cannot expect that his bail application should be considered on the same day itself, such a direction cannot be given to the Court below by this Court in exercising of power under Section 482 of Criminal procedure Code, 1973. More particularly, when the offence is under SC/ST Act and there is a mandatory requirement under the statute that the defacto-complainant must be heard before considering the bail petition.

3. In Such circumstances, there no merit in this petition. Hence this Criminal Original Petition is dismissed. It is open for the petitioner to approach the trial Court and get appropriate remedy.

12.10.2023

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Principal Sessions Judge, and Special Judge for Prevention of SC & ST Atrocities Act, Salem.



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2. Inspector of Police,
Salem Town Police Station,
Salem District.

3. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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