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Crl.O.P.No.4765 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.2.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4765 of 2024

1.Divya

2.Bakkiyam

...Petitioners

Vs.

1.State rep.by

The Assistant Commissioner of
Police, Anna Nagar, Chennai.

2.The State rep.by

The Inspector of Police,
W7, AWPS Anna Nagar Police
Station, Chennai.

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to direct the learned Principal District Judge at Chennai to entertain, consider and dispose of the bail application of the petitioners when they surrender before the said Court in Crime No.5 of 2024 pending on the file of the Inspector of Police, W7, AWPS Anna Nagar Police Station, Chennai.

For Petitioners : Mr.T.Dhamodharan
For Respondents : Mr.A.Damodaran, APP

ORDER

1/4



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WEB COPY This Criminal Original Petition has been filed seeking to direct the Principal District Court (Special Court for Exclusive Trial of Cases registered under the SC/ST (Prevention of Atrocities) Act), Chennai to consider their bail application when they surrender in connection with Crime No.5 of 2024 pending on the file of the second respondent.

2. It is submitted by the learned counsel for the petitioners that the first petitioner has already been arrested.

3. In view of the said submission made by the learned counsel for the petitioners, this criminal original petition is dismissed in so far as first petitioner is concerned.

4. In view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity hereinafter referred to as the Act), this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the second petitioner is directed to appear in-person before



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the Special Court within a period of two weeks from the date of receipt of a copy of this order. The Special Court shall order reasonable, accurate and timely notice as mandated under Section 15A(3) of the Act to the victim or her dependent by RPAD/through the respondent police and on such service of notice, the learned Special Judge shall deal with the matter as expeditiously as possible on merits and in accordance with law, after hearing the victim or her dependent either in person or through counsel/ legal aid counsel as mandated under Section 15A(5) of the Act, in compliance with the judgment in the case of *Hariram Bhambhi Vs. Satyanarayan* [reported in *2021 SCC Online SC 1010*].

5. This Criminal Original Petition is disposed of to the extent indicated above.

29.2.2024

Note : Issue on 01.3.2024

Index : Yes/No

Speaking Order : Yes/No



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N.ANAND VENKATESH,J

ssr

To

- 1.The Principal District Court (Special Court
for Exclusive Trial of Cases registered
under the SC/ST (Prevention of Atrocities)
Act, Chennai.
- 2.The Assistant Commissioner of
Police, Anna Nagar, Chennai.
- 3.The Inspector of Police,
W7, AWPS Anna Nagar Police
Station, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

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