

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Cr1.O.P.No.23134 of 2015

1.Arul @ Arun Kumar
2.Manikandan
3.Mohan @ Mohan Raj

.. Petitioners

vs.

The State of Tamilnadu
through the Assistant Commissioner/
Deputy Superintendent of Police
Kondaalampatti Police Station
Salem District.
Cr.No.344 of 2015.

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the Special Court/Principal Sessions Judge, Salem, to consider the bail application filed by the petitioners in connection with the Crime No.344 of 2015 on the file of the respondent police on the same day of their surrender and pass appropriate orders.

For Petitioners :: Mr.K.S.Karthik Raja
For Respondent :: Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioners have come forward with this petition seeking for a direction to the learned Principal Sessions Judge (Special Court), Salem, to consider the bail application filed by the petitioners in connection with the case in Crime No.344 of 2015 on the file of the Assistant Commissioner/Deputy Superintendent of Police, Kondaalampatti Police Station, Salem District, on their surrender on the same day.

2. The learned counsel for the petitioners would submit that the petitioners have been implicated in the case in Cr.No.344 of 2015 for the alleged offences under Sections 147, 294(b), 323, 324 and 506 (ii) IPC r/w. 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. In view of the specific bar under Section 18 of the said Act, the petitioners cannot move any anticipatory bail application and therefore, the petitioners have come forward with the said prayer.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

4. Considering the submissions of both sides and also considering the nature of the prayer in this case and in view of the specific bar under Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the petitioners cannot move any anticipatory bail, the learned Principal Sessions Judge (Special Court), Salem, is directed to consider the bail application, in the event of the petitioners filing such petition in respect of the case in Crime No.344 of 2015 on the file of the respondent police and dispose of the same on merits and in accordance with law on the same day of their surrender.

5. With the above observation, this Criminal Original Petition is disposed of.

paa

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Principal Sessions Judge (Special Court), Salem.
2. The Assistant Commissioner/
Deputy Superintendent of Police
Kondaalampatti Police Station
Salem District.
3. The Public Prosecutor, Madras.

+ 1 cc to Mr.K.S.Karthik Raja, Advocate SR 49627

msm(co)
prk11/9

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