

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.26054 of 2015

1.Rangasamy
2.Senthilkumar ...Petitioners/Accused 76 & 78

Vs

State by
Inspector of Police,
Mangalamedu Police Station,
Perambalur District. ...Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the learned Principal Sessions Judge, Perambalur to accept the surrender of the petitioners herein concerned in PRC.No.17 of 2001 on the file of learned Judicial Magistrate, Perambalur in Cr.No.182 of 1999 on the file of the respondent police and consider the bail petition on the same day itself.

For Petitioners : Mr.M.R.Jothimanian

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The learned counsel for the petitioners submits that the petitioners have come forward with this petition seeking for a direction to the learned Principal Sessions Judge, Perambalur to consider the bail application of the petitioners on the same day on their surrender in PRC.No.17 of 2001 on the file of learned Judicial Magistrate, Perambalur in Cr.No.182 of 1999 on the file of the respondent police.

2. The learned counsel for the petitioners also submits that the petitioners have been implicated in this case for the alleged offences under Sections 148, 481, 324, 326, 436 IPC r/w 3[ii],[iv][v], 3[1][15] of SC & ST [Prevention of Atrocities] Act, 1989 and that 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. The learned Additional Public Prosecutor takes notice for the respondent.

4. Considering the submissions of both sides and also considering the nature of the prayer in this case, in view of the specific bar under Section 18 of the SC & ST [Prevention of Atrocities] Act that the petitioners cannot move any anticipatory bail and it appears that there are totally 82 accused, out of which, 15 accused have died. The case is pending since 2001 and police have not been able to apprehend the accused. Under such circumstances, it will serve the interest of justice to direct the learned Principal Sessions Judge, Perambalur to consider the bail application, in the event of the petitioners filing such petition in PRC.No.17 of 2001 on the file of learned Judicial Magistrate, Perambalur in Cr.No.182 of 1999 on the file of the respondent police and dispose of the same on merits, in accordance with law on the same day.

5. The petitioners shall surrender before the Sessions Court and on such surrender, Non-Bailable Warrant issued by the learned Judicial Magistrate, Perambalur in PRC.No.17 of 2001 will stand recalled. They shall give an undertaking that they will regularly appear before the learned Judicial Magistrate, *Perambalur in PRC.No.17 of 2001 for the committal proceedings.

With these observation, this petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

***Corrected as per the order**

dated 2/11/2015 in

Cr1.OP.No.26054/15

-s/d-

Assistant Registrar(CSVII)

dt:03/11/2015

//True Copy//

Sub Assistant Registrar

gya

To

1.Principal Sessions Judge,
Perambalur.

(To be Substituted for the
(order already despatched on
(28/10/2015

2.Inspector of Police,
Mangalamedu Police Station,
Perambalur District.

3.The Public Prosecutor,
High Court, Madras.

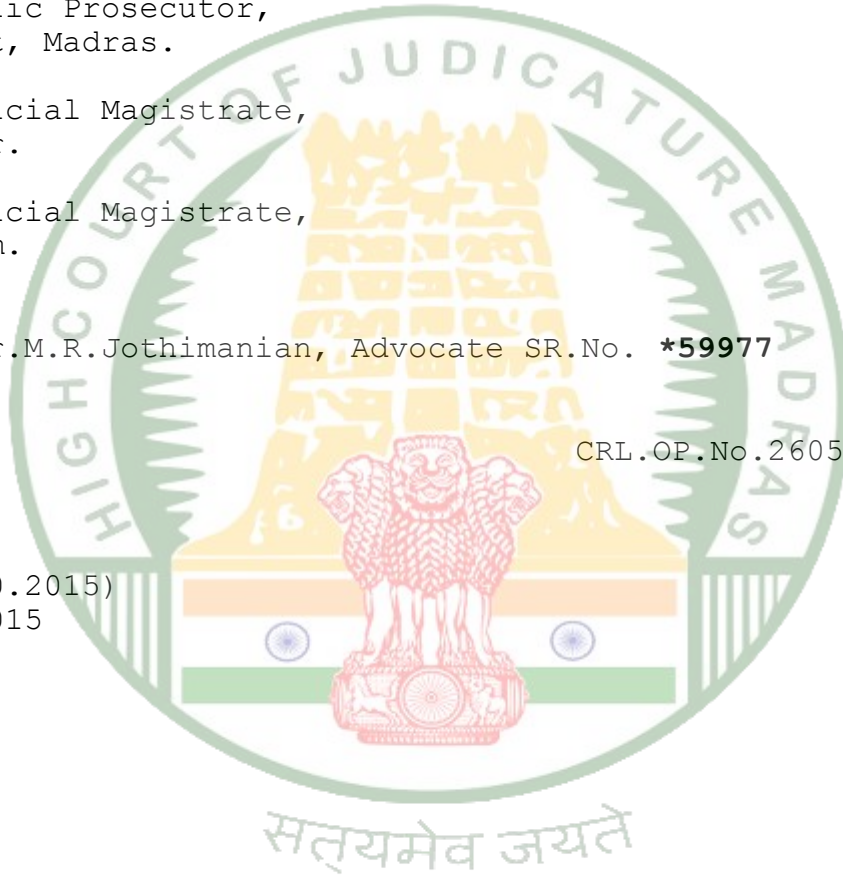
4.The Judicial Magistrate,
Perambalur.

5.The Judicial Magistrate,
Pennagaram.

1 CC to Mr.M.R.Jothimanian, Advocate SR.No. ***59977**

CRL.OP.No.26054 of 2015

TEJ (CO)
PSI (28.10.2015)
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