



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

CRL.O.P.No.7343 of 2015

1.Jeyapaul
2.Ponnusamy

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Thottiam Police Station,
Thottiam, Trichy District.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Learned 1st Additional District and Sessions Court (Special Court for Scheduled Casts and Scheduled Tribes, (Prevention of Atrocities) Act, 1989, Tiruchirappalli, to accept the surrender of the petitioners and consider the petitioners' bail application and grant bail on the date of surrender itself in Cr. No. 94 of 2015 dated 09.4.2015 on the file of respondent.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.K.Anbarsan,
Government Advocate, (Crl. Side)

ORDER

The petitioners seek a direction to the 1st Additional District and Sessions Court (Special Court for Scheduled Casts and Scheduled Tribes, (Prevention of Atrocities) Act, 1989, Tiruchirappalli, to release the petitioners on bail, on the same day in the event of their surrender and filing bail application in Cr.No.94 of 2015 pending investigation on the file of the respondent police.

2. The petitioners are accused for offences punishable under Sections 147,509,323,435 of IPC r/w section 3(1)(r) & (8) 3 (2) (Va) 3(1)(w)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)Amendment Ordinance Act, 2014.

3. The submissions made by Mr.P.Ganapathi Subramanian learned counsel for the petitioners and by Mr.K.Anbarasan, learned Government Advocate (Crl. Side) representing the respondent were heard. The materials available on record were also perused.



4.Considering the nature of offences alleged against the petitioners, the fact that anticipatory bail cannot be granted in respect of offences punishable under the the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)Amendment Ordinance Act,2014, and that taking into custody of the petitioners pending consideration of their bail application could cause them irreparable hardship, this Court considers it appropriate to direct the 1st Additional District and Sessions Court (Special Court for Scheduled Casts and Scheduled Tribes,(Prevention of Atrocities) Act, 1989, Tiruchirappalli, to consider the bail application of the petitioners on merits and pass appropriate order on the same day of their surrender.

5.The petition is ordered accordingly.

Sd/-

Assistant Registrar(Per.Admn,)

/True Copy/

Sub-Assistant Registrar

To

1.The 1st Additional District and Sessions Judge,
[Special Court for Scheduled caste and Scheduled Tribes
(Prevention of Attrocities) Act, 1989], Tiruchirappalli.

2.The Inspector of Police, Thottiam Police Station,
Thottiam, Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.Ganapathy Subramanian, Advocate, in SR. No.20562.

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