

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: **05.05.2016**

CORAM:

**THE HONOURABLE MR.JUSTICE P.KALAIYARASAN****Crl.O.P.No.10458 of 2016**

C.Mathiyalagan

.. Petitioner

Vs.

State rep. By  
The Inspector of Police,  
Irumparai Police Station,  
Salem District.

.. Respondent

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Principal Sessions Judge, Salem (Special Judge for Prevention of SC/ST Atrocities Act) to consider the bail application of the petitioner on the date of surrender before the Court in connection with Crime No.85 of 2016 on the file of the respondent police.

|                |                              |
|----------------|------------------------------|
| For Petitioner | :: Mr.I.C.Vasudevan          |
| For Respondent | :: Mr.C.Emalias              |
|                | Additional Public Prosecutor |

**ORDER**

The learned counsel for the petitioner submits that the petitioner has come forward with this petition seeking for a direction to the learned Principal Sessions Judge, Salem to consider the bail application of the petitioner on the same day on his surrender in Crime No.85/2016 pending on the file of the respondent.

2. The learned counsel for the petitioner also submits that the petitioner has been implicated in this case for the alleged offences under Sections 323, 342 read with 3(i) (6) SC/ST (POA) Act and that in view of the specific bar under Section 18 of the said Act, the petitioner cannot move any anticipatory bail application and therefore, the petitioner has come forward with the said prayer.

**P.KALAIYARASAN, J.**

gms

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 S.C. & S.T. (Prevention of Atrocities) Act that the petitioner cannot move any anticipatory bail, the learned Principal Sessions Judge, Salem is directed to consider the bail application, in the event of the petitioner filing such petition in Crime No.85 of 2016 on the file of the respondent police, and dispose of the same on merits and in accordance with law on the same day.

With this observation, this petition is disposed of accordingly.

**05.05.2016**

To

1. The Inspector of Police,  
Irumparai Police Station,  
Salem District

2. The Public Prosecutor,  
High Court, Madras.

**Crl. O.P. No.10458 of 2016**