

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.14048 of 2016

Vishwanathan

.. Petitioner/Accused No.2

Vs.

State by,

The Inspector of Police,
Kothagiri Police Station,
Nilgiri District.
(Crime No.23/2010)

.. Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Judicial Magistrate, Kothagiri to consider the bail application in PRC.No.1 of 2011 on the very same day on the file of the respondent Police.

For Petitioner :: Mr.Hasan Mohammed Jinnah

For Respondent :: Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The learned counsel for the petitioner submits that the petitioner has come forward with this petition seeking for a direction to the learned Judicial Magistrate, Kothagiri, to consider the bail application in PRC.No.1 of 2011 on the same day on their surrender in Crime No.23 of 2010 pending on the file of the respondent.

2. On the complaint of the victim's mother, the petitioner herein, who is a police constable had gone to secure the victim girl, in connection with which, the present case has been registered against the petitioner and he has been implicated in this case for the alleged offences under Sections 363, 342 r/w 34, 342 IPC and Section 3(1) (XI) and Section 3(1) (XV) of SC/ST (POA) Act 1989, Amended Act 2015 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.

3. It is further seen that this petitioner was earlier released on bail in Crime No.23 of 2010 and after completing

the investigation, when the final report was filed in PRC.No.1 of 2011, it appears that he was regularly attending the Committal Court, but on account of his leg being almost amputated, he was not able to attend the Committal Court from 11.05.2014, on account of which, the non-bailable warrant is pending against the petitioner since then.

4. The learned Additional Public Prosecutor takes notice for the respondent.

5. Taking into consideration, the facts and circumstances of the case, the petitioner is directed to surrender before the Principal Sessions Court (Special Court for SC/ST Act Cases), Ooty, Nilgiris District and file an application for bail.

6. 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 S.C. & S.T. (Prevention of Atrocities) Act that the petitioner cannot move any anticipatory bail, the learned Principal Sessions Court (Special Court for SC/ST Act Cases), Ooty, Nilgiris District, is directed to consider the bail application, in the event of the petitioner filing such petition in Crime No.23 of 2010 on the file of the respondent police, and dispose of the same on merits and in accordance with law on the same day.

7. Thereafter, the warrant issued by the learned Judicial Magistrate, Kothagiri, shall stand recalled and the petitioner shall appear before the Judicial Magistrate, Kothagiri, within two weeks from the date of receipt of a copy of this order and take part in the committal proceedings.

With this observation, this petition is disposed of accordingly.

ds

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
Kothagiri Police Station,
Nilgiri District.

2.The Principal Sessions Court,
(Special Court for SC/ST Act Cases),
Ooty, Nilgiris District

3. The Judicial Magistrate,
Kothagiri

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A.Gokulakrishnan, Advocate Sr 37768

KR/6/7/16

CrI.O.P.No.14048 of 2016



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