

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.14159 of 2016

Nagaraj

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur District

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Special Court/Principal Sessions Court, Tiruppur to consider the petitioner bail petition on the same day of his surrender before the Court in connection with PRC.No.25 of 2008 on the file of the Judicial Magistrate, Palladam in Crime No.1196 of 2007 on the file of the respondent Police.

For Petitioner: Mr.P.M.Jayachandran

For Respondent : Mr.C.Emalias, APP

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 Principal Sessions Judge, Tiruppur [Spl. Judge for SC & ST Act] to consider the bail application of the petitioner on the same day on his surrender in PRC.No.25 of 2008 on the file of the Judicial Magistrate, Palladam.

2. The learned counsel for the petitioner also submits that the petitioner has been implicated in this case for the alleged offences under Section 147, 294[b], 342, 506[ii] and 323 IPC, r/w 3[1][x] of SC & ST [Prevention of Atrocities] 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.

3. It is seen that the Police completed the investigation in Crime No.1196 of 2007 and filed a final report before the learned Judicial Magistrate, Palladam as early as on 29.09.2008 against five accused. This Court had called for a report from the learned Judicial Magistrate, Palladam, to explain the delay in committing the case to the Court of Sessions and a report dated 19.07.2016 has been received, wherein, it is stated as follows:

"I humbly submit that in this charge sheet A2 Nagaraj, A3 Paulraj, A5 Muthu @ Marimuthu were shown as absconding accused. The above case was taken on file on 29.09.2008. Till now the accused were not appeared except the A1.

I humbly submit that several time the instructions given to the Superintendent of Police, Tirupur and the respondent Police to take steps to secure the accused. But the respondent police has not taken any steps to secure the all accused. Now this case is pending for service of summon to A1 and to execute a Non-Bailable Warrant as against A2 to A5."

4. Today, Mr.R.Thangaraju, Inspector of Police, Palladam [L&O] Police Station is present.

5. Learned Additional Public Prosecutor on instructions submitted that, one Marimuthu [A4] has died and that Non-Bailable Warrant as against Muthu @ Marimuthu [A5] has been recalled on 20.07.2016. He further submitted that Nagaraj [A2] and Paulraj [A3] are absconding.

6. The fact that the Police have not been able to secure Nagaraj [A2], the petitioner herein from 2008 and therefore, it will only further prolong the committal proceedings, if Nagaraj remains absconding. Under such circumstances, the learned Principal Sessions Judge, Tiruppur [Spl. Judge for SC & ST Act] is directed to consider the bail application, in the event of the petitioner filing such petition in PRC.No.25 of 2008 on the file of the Judicial Magistrate, Palladam, and dispose of the same on merits, in accordance with law on the same day.

With this observation, this petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
[Spl. Judge for SC & ST Act], Tiruppur.

2.The Judicial Magistrate,
Palladam.

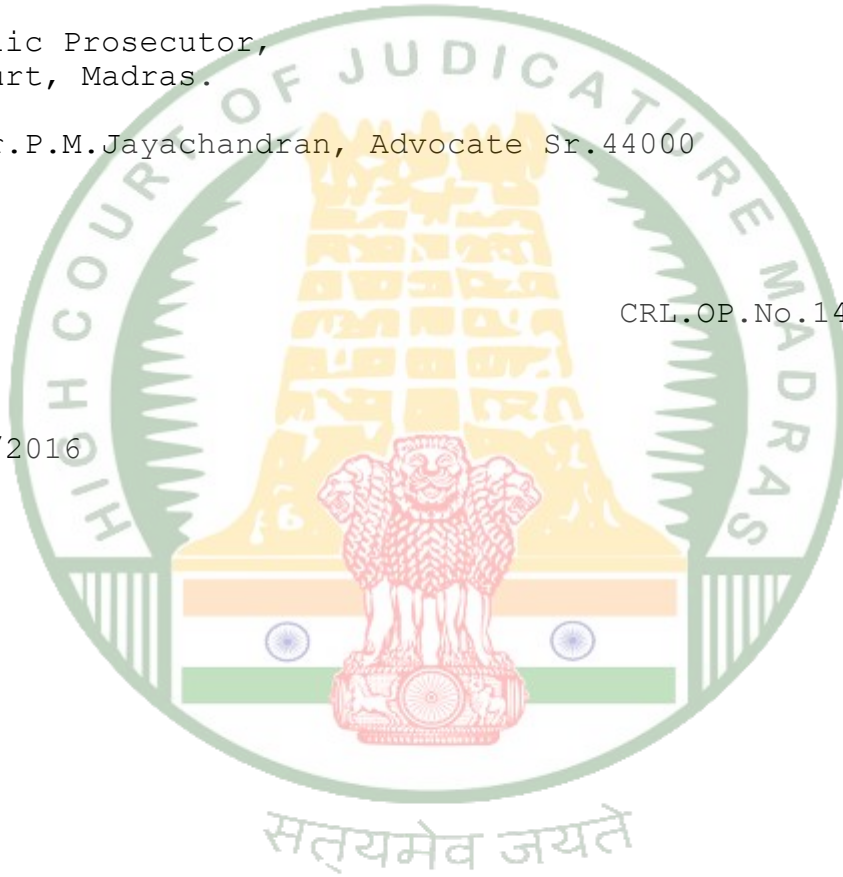
3.The Inspector of Police,
Palladam Police Station,
Tiruppur District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.M.Jayachandran, Advocate Sr.44000

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