

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.15321 of 2016

M.S.Arunkhumar

... Petitioner

Vs

State rep. by
The Deputy Superintendent of Police,
Myladuthurai,
Sembanarkoil Police Station,
Nagapattinam District.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the learned Principal Sessions Judge/Special Court under SC & ST [POA] Act, Thanjavur District to consider his bail application on his surrender on the same day in respect of Crime No.298 of 2016 on the file of the Deputy Superintendent of Police, Myladuthurai, Sembanarkoil Police Station, Nagapattinam District.

For Petitioner : Mr.N.Sivakarthik

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 Principal Sessions Judge/Special Court under SC & ST [POA] Act, Thanjavur District to consider the bail application of the petitioner on the same day on his surrender in Crime No.298 of 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 294[b], 506[ii] and 307 IPC r/w Section 4 of TNPHW Act, 2002 and Section 3[1][r], 3[1][s] and 3[2][v-a] of SC & ST [Prevention of Atrocities] Amendment 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. 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] Amendment Act, 2015 that the petitioner cannot move any anticipatory bail, the learned Principal Sessions Judge/Special Court under SC & ST [POA] Act, Thanjavur District is directed to consider the bail application, in the event of the petitioner filing such petition in Crime No.298 of 2016 on the file of the respondent police, and dispose of the same on merits, in accordance with law.

With this observation, this petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Sessions Judge/Spl.
Court under SC & ST [POA] Act,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Myladuthurai,
Sembanarkoil Police Station,
Nagapattinam District.

- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Anandakumar, Advocate, S.R.No.41017

CRL.OP.No.15321 of 2016

VS(CO)
CA(20/07/2016)