

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.16633 of 2016

Nagaraj ... Petitioner
Vs

State rep. by
The Inspector of Police,
Thirutani Police Station,
Thiruvallur District.
(Crime No.49 of 2014) ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to issue direction to the Special Judge for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 cum the Principal Sessions and District Judge at Thiruvallur to consider the bail application on the same day when the petitioner surrender in connection with PRC.No.29 of 2014 on the file of the learned Judicial Magistrate at Thirutani, Thiruvallur District.

For Petitioner :Mr.J.Ganesh
For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the learned Special Judge for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 cum the Principal Sessions and District Judge at Thiruvallur, to consider the bail application of the petitioner on the same day on his surrender in connection with PRC.No.29 of 2014 on the file of the learned Judicial Magistrate at Thirutani, Thiruvallur District.

2. The learned counsel for the petitioner submits that the petitioner has been implicated in a case in Crime No.49 of 2014 for the alleged offences under Sections 147, 341, 323, 506 (ii) & 379 of IPC, 1860 r/w Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 , 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. When the matter was taken up for hearing the learned Additional Public Prosecutor submitted that the investigation in Crime No.49 of 2014 has been completed and final report has been filed in PRC.No.29 of 2014 before the Judicial Magistrate at Thirutani, Thiruvallur District.

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 Special Judge for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 cum the Principal Sessions and District Judge at Thiruvallur, is directed to consider the bail application, in the event of the petitioner filing such petition in Crime No. 49 of 2014 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 criminal original petition is disposed of accordingly.
ds

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Inspector of Police,
Thirutani Police Station,
Thiruvallur District.
2. The Special Judge for SC/ST Cases
cum the Principal Sessions and District Judge
Thiruvallur.
- 3.The Judicial Magistrate
Special Court for SC/ST cases
Thirutani, Thiruvallur District.
4. Do thro the Chief Judicial Magistrate,
Thiruvallur.

5.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.J.Ganesh, Advocate SR 43817

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