

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.16666 of 2016

Jayaprakash ... Petitioner/Accused

Vs

State rep. by
The Inspector of Police,
Gengavalli Police Station,
Salem District.
(Crime No.201/2016) ..Respondent/Compliance

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to issue direction to the Principal Sessions Judge, Salem (Special Judge for SC/ST Act cases) to consider the bail application on the same day on his surrender in Crime No.201 of 2016 on the file of the Inspector of Police, Gengavalli Police Station, Salem District.

For Petitioner :Mr.B.Vasudevan

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the learned Principal Sessions Judge, Salem (Special Judge for SC/ST Act cases), to consider the bail application on the same day on his surrender in Crime No.201 of 2016 on the file of the Inspector of Police, Gengavalli Police Station, Salem District.

2. The learned counsel for the petitioner submits that the petitioner has been implicated in this case for the alleged offences under Sections 417 and 506(i) IPC altered to 417, 506(i) IPC r/w. 3(1)(r) of SC/ST (POA) 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 S.C. & S.T. (Prevention of Atrocities) Act that the petitioner cannot move any anticipatory bail, the learned Principal Sessions Judge, Salem (Special Judge for SC/ST Act cases), is directed to consider the bail application, in the event of the petitioner filing such petition in Crime No.201 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 criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ds

To

- 1.The Inspector of Police,
Gengavalli Police Station,
Salem District.
2. The Principal Sessions Judge,
(Special Judge for SC/ST Act cases),
Salem.
- 3.The Public Prosecutor,
High Court, Madras.

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