

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.17585 of 2016

Balraj ... Petitioner

Vs

State represented by
The Inspector of Police,
Palladam Police Station
Tiruppur District.
(Crime No.1196 of 2007) ... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Principal District Judge [Special Judge for SC/ST (POA) Act 2014], Tiruppur to accept the surrender of the petitioner in connection with Crime No.1196 of 2007 on the file of the respondent, Palladam Police Station, Tiruppur District, to consider the bail petition filed by the petitioner on the same day in accordance with law.

For Petitioner :Mr.P.Kalimuthu
For Respondent :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the learned Principal District Judge [Special Judge for SC/ST (POA) Act 2014], Tiruppur to accept the surrender of the petitioner in connection with Crime No.1196 of 2007 on the file of the respondent, Palladam Police Station, Tiruppur District, to consider the bail petition filed by the petitioner on the same day in accordance with law.

2. The learned counsel for the petitioner submits that the petitioner has been implicated in case in Crime No.1196 of 2007 for the alleged offences under Section 417, 294(b), 323, 342, 506(ii) IPC r/w 3(1)(x) of SC/ST (Prevention of Atrocities) Act of 1989 @ 294(b), 323, 342, 506(ii) IPC r/w 3(1)(x) of SC/ST (POA) Act of 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. The learned Additional Public Prosecutor takes notice for the respondent and submitted that the petitioner is an accused (A3) in Crime No.1196 of 2007 on the file of the respondent Police, and the final report in PRC.No.25 of 2008 has been filed before the Judicial Magistrate, Palladam.

4. It is seen that the warrant is pending against the petitioner from the year 2008, but the Police have not been able to execute the same. Under such circumstances, it will be in the interest of justice if the petitioner surrenders before the Principal District Judge [Special Judge for SC/ST (POA) Act 2014], Tiruppur, within two weeks from the date of receipt of a copy of this order.

5. 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 District Judge [Special Judge for SC/ST (POA) Act 2014], Tiruppur, is directed to consider the bail application, in the event of the petitioner filing such petition in connection with PRC No.25 of 2008 pending on the file of the learned Judicial Magistrate, Palladam, within a period of two weeks from the date of receipt of a copy of this order, 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Principal District Judge,
[Special Judge for SC/ST (POA) Act 2014],
Tiruppur,

2.The Judicial Magistrate
Palladam.

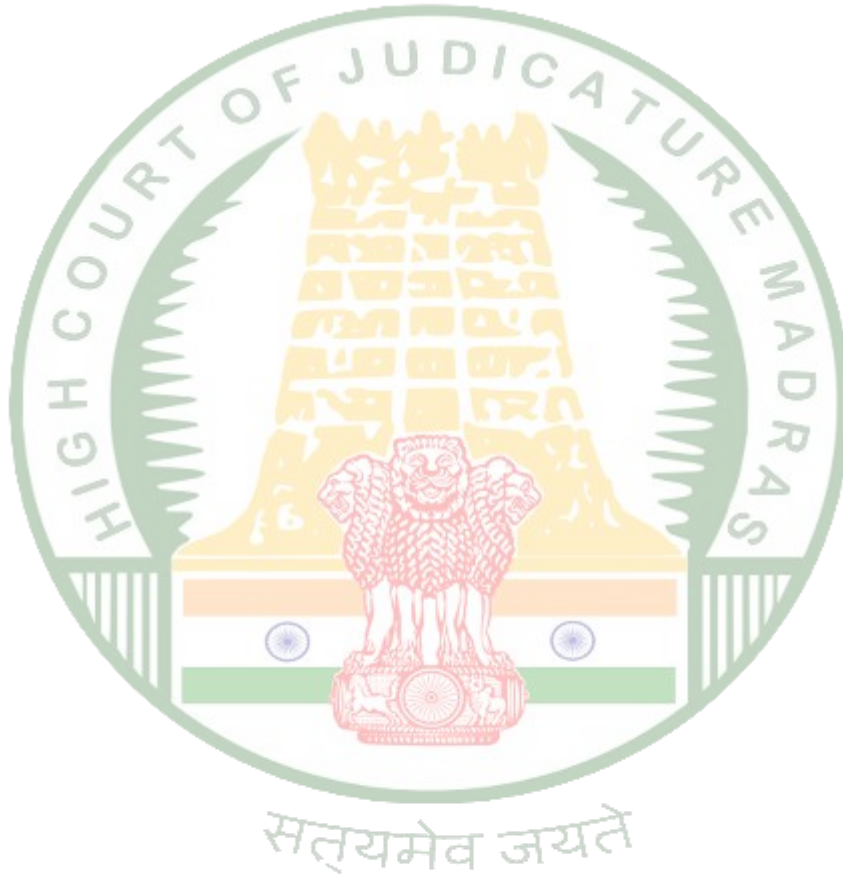
3.The The Inspector of Police,
Palladam Police Station
Tiruppur District.

4.The Public Prosecutor,
High Court, Chennai.

+1 cc to Mr.P.Kalimuthu Advocate sr 46853

Crl.OP.No.17585 of 2016

aa18/08/2016



WEB COPY