

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.17941 of 2016

Narayanappa

.. Petitioner

Vs

The State of Tamil Nadu
Rep.by The Deputy Superintendent of Polcie,
Berigai Police Station,
Cr.No.184 of 2003,
Krishnagiri District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C., to issue suitable direction directing the Principal Sessions Judge, Salem to consider the bail application of the petitioner on the same day of his surrender in SC.No.95 of 2013 in Cr.No.184 of 2003 on the file of the Berigai Police Station.

For Petitioner

:Mr.S.Sugumar

For Respondent

:Mr.C.Emalias
Additional Public Prosecutor

ORDER

This criminal original petition has been field seeking a direction to the Principal Sessions Judge, Salem to consider the bail application of the petitioner on the same day of his surrender in SC.No.95 of 2013 in Cr.No.184 of 2003 on the file of the Berigai Police Station.

2. The learned counsel for the petitioner submits that the petitioner has been implicated in this case for the alleged offences under Sections 147, 148, 149, 447, 326, 307 (2 counts), 302 (3 counts) IPC and Section 3(1)(x) with Section 3(2)(v) of S.C. and S.T. (POA) 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. The learned Additional Public Prosecutor takes notice for the respondent.

4. It is seen that this petitioner was not arrayed as accused in the final report. During the trial, the role of this petitioner surfaced in the evidence of PW1. At this juncture, the prosecution appears to have filed a petition under Section 319 Cr.P.C. for arraigning this petitioner as co-accused, which has been allowed by the trial Court on 28.03.2016. Under such circumstances, this petitioner is directed to surrender before the trial Court within a period of 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.

6. The Principal Sessions Judge, Salem, is directed to consider, on the petitioner's surrendering before the said Court within a period of two weeks from the date of receipt of a copy of this order, the bail application, in the event of the petitioner filing such petition in Crime No.184 of 2003 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.

12.08.2016

sms

To

- 1.The State of Tamil Nadu
Rep. by the Deputy Superintendent of Police
Berigai Police Station, Cr.No.184 of 2003
Krishnagiri District.
2. The Principal Sessions Judge, Salem.
- 3.The Additional Public Prosecutor,
High Court, Madras.

P.N.PRAKASH,J.
sms

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