

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.18026 of 2016

1.Nalla Thambi

2.Durai Vel

3.Sankar

4.Chinnaiyan

... Petitioners/Accused 1 to 4

Vs

State rep. by Inspector of Police,
Thalaivasal Police Station,
Salem District.

... Respondent/Complainant.

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Principal Sessions Judge, Salem, Salem District to consider the petitioners' bail application on their surrender in Crime No.284/2016 pending on the file of the Inspector of Police, Thalaivasal Police Station, Vellore District.

For Petitioners :Mr.E.Kannadasan

For Respondent :Mr. C.Emalias
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to the learned Principal Sessions Judge, Salem, Salem District to consider the petitioners' bail application on their surrender in Crime No.284/2016 pending on the file of the Inspector of Police, Thalaivasal Police Station, Vellore District.

2. The learned counsel for the petitioners submits that the petitioners have been implicated in this case for the alleged offences under Sections 294(b), 324, 506(ii) IPC r/w Section 3 (1)(r)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015 and that in view of the specific bar under Section 18 of the said Act, the petitioners cannot move any anticipatory bail application and therefore, the petitioners have 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 petitioners cannot move any anticipatory bail.

5. The learned Principal Sessions Judge, Salem, Salem District, is directed to consider, on the petitioners' 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 petitioners' filing such petition in Crime No.284 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.

sms

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Thalaivasal Police Station,
Salem District.
2. The Principal Sessions Judge,
Salem, Salem District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.E.Kannadasan, Advocate SR 46412

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