

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.18961 of 2016

Kuppusamy

... Petitioner

Vs

State of Tamil Nadu rep.by

1.The Deputy Superintendent of Police,
Villupuram, Villupuram District.

2.The Inspector of Police,
Vadaponparappi Police Station,
Villupuram District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the learned Principal Sessions Judge, Villupuram District, to accept the surrender of the petitioner/accused in Crime No.47 of 2001 on the file of the respondents Police and to consider his bail application of the petitioner on the same day.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.C.Emalias, APP

O R D E R

The learned counsel for the petitioner submits that the petitioner has come forward with this petition seeking for a direction to the learned Principal Sessions Judge, Villupuram to consider the bail application of the petitioner on the same day on his surrender in Crime No.47 of 2001 pending on the file of the 2nd respondent.

2. The learned counsel for the petitioner also submits that the petitioner has been implicated in this case for the alleged offences under Section 147, 452, 294, 355, 342, 323 and 506[iii] IPC r/w 3[1][x] of SC & ST [Prevention of Atrocities] Act 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, learned Additional Public Prosecutor submitted that investigation in Crime No.47 of 2001 was completed and when the case was pending trial in S.C.No.146 of 2008, this petitioner absconded and therefore, the case against this petitioner was split up in S.C.No.3 of 2015. He further submitted that S.C.No.146 of 2008 ended in acquittal of the accused on 04.06.2015. Since this petitioner is in abscondance, warrant has been issued against this petitioner.

4. Under normal circumstances, an absconding accused will not be given any privilege. But, in this case, the Police are not been able to apprehend this petitioner, since he is absconding from 2008. Therefore, if the relief prayed for by the petitioner is denied, it will only further prolong the pendency of the case before the trial Court.

5. Learned counsel for the petitioner submitted that this petitioner was in abroad.

6. Under such circumstances, 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 SC & ST [Prevention of Atrocities] Act that the petitioner cannot move any anticipatory bail, the learned Principal Sessions Judge, Villupuram is directed to consider the bail application, in the event of the petitioner filing such petition in Crime No.47 of 2001 on the file of the 2nd respondent police 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.

7. The petitioner shall deposit his Passport before the trial Court and shall not leave the Country without the permission of the trial Court. The trial Court is empowered to give temporary release of Passport in its sound discretion.

With the above direction, this petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Villupuram District.

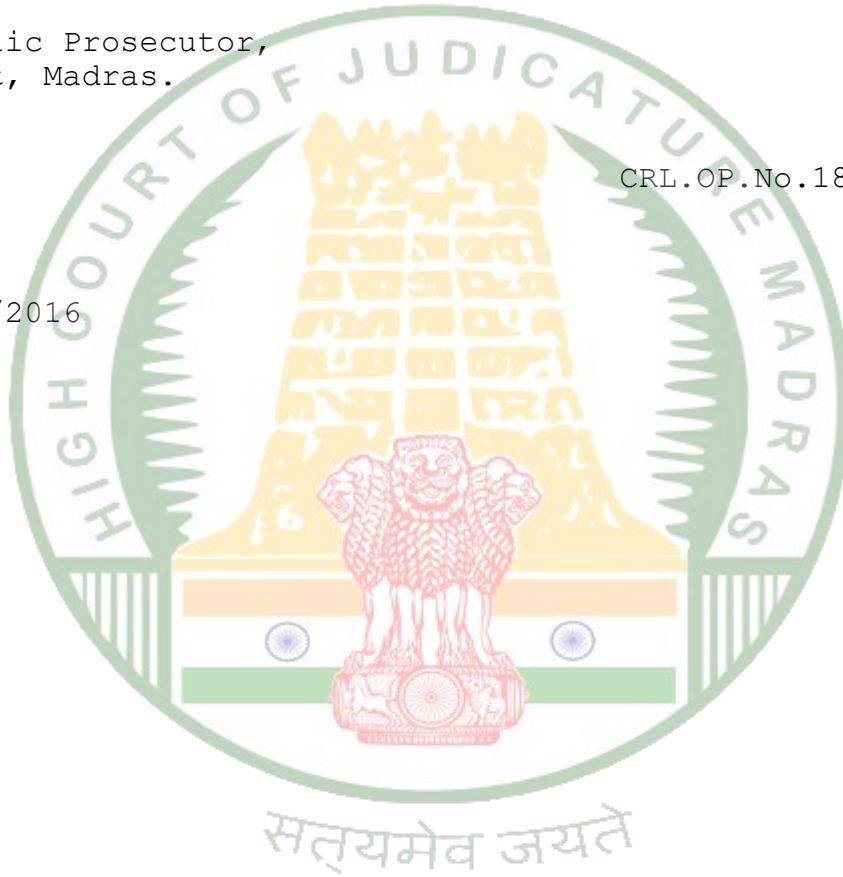
2.The Deputy Superintendent of Police,
Villupuram, Villupuram District.

3.The Inspector of Police,
Vadaponparappi Police Station,
Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

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