

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.20493 of 2016

Malarselvan

....Petitioner

Vs

V.Rajeswari WPC No. 1401,
D/o. Vellaiyan,
All Women Police Station,
Bargur,
Krishnagiri District.

.... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C., to issues suitable direction directing the Principal Sessions Judge, Krishnagiri, Salem to consider the bail application of the petitioner on the same day of his surrender in PRC No. 9 of 2015 on the file of the Learned Judicial Magistrate No.2, Krishnagiri.

For Petitioner :Mr.M.Devaraj

For Respondent :Mr. C.Emalias

Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to the Principal Sessions Judge, Krishnagiri, Salem to consider the bail application on the same day on surrender of the petitioner in PRC No. 9 of 2015 on the file of the Judicial Magistrate Court No.2, Krishnagiri.

2. The learned counsel for the petitioner submits that the petitioner has been implicated in this case for the alleged offences under Sections 354 and 376 IPC r/w 3(1)(x) of Schedule Caste and Schedule Tribe 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. The learned Additional Public Prosecutor takes notice for the respondent.

4. It is seen that this petitioner is facing prosecution for offences under Sections 354 and 376 IPC r/w 3(1)(x) of Schedule Caste and Schedule Tribe Prevention of Atrocities Act and private complaint lodged by the respondent.

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, Krishnagiri, 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's filing such petition in PRC No. 9 of 2015 the Judicial Magistrate Court No.2, Krishnagiri, 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/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

rts/sms

To

1. The Principal Sessions Judge,
Krishnagiri, Salem.
2. The Learned Judicial Magistrate No.2,
Krishnagiri.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. M. Devaraj, Advocate, Sr.No.51453

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ALA (CO)
MD : 12/09/2016