

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.23255 of 2016

Shanmugam

... Petitioner

Vs

State rep. by
The Inspector of Police,
Gengavalli Police Station,
Salem District.

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Learned Principal Sessions Judge, Salem, Salem District to consider the petitioner's bail application on their surrender in P.R.C.No.24/2016 pending on the file of the Learned Judicial Magistrate No.II, Attur, Salem District.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the Learned Principal Sessions Judge, Salem District to consider the petitioner's bail application on their surrender in P.R.C.No.24/2016 pending on the file of the Learned Judicial Magistrate No.II, Attur, Salem District.

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, 506(ii)IPC r/w 3(1)(r)(s), 3(2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, Amendment 2015 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.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 Sessions Judge, (Special Court for SC/ST Prevention of Atrocities Act) Salem District is directed to consider the bail application, in the event of the petitioner filing such petition in connection with Crime No.328 of 2014 pending on the file of 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.

With this observation, this criminal original petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal Sessions Judge,
(Special Court for SC/ST Prevention of Atrocities Act)
Salem, Salem District.
2. The Inspector of Police,
Gengavalli Police Station,
Salem District.
3. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.E.Kannadasan Advocate sr 59461

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