

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.10.2016
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.23558 of 2016

D.Kathiravan

... Petitioner

Vs

1. The Superintendent of Police
Tiruppur, Tiruppur District.

2. The Inspector of Police,
Kangayam Police Station
Tiruppur District.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Special Judge for SC & ST Act cases / Principal District and Sessions Court, Tiruppur to consider the bail petition to be filed by the petitioner, on his surrender on the same day, on merits in connection with the case in Crime No.492 of 2016 pending investigation on the file of the 1st respondent police.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the Special Judge for SC & ST Act cases / Principal District and Sessions Court, Tiruppur to consider the bail petition to be filed by the petitioner, on his surrender on the same day, on merits in connection with the case in Crime No.492 of 2016 pending investigation on the file of the 1st respondent police.

2. The learned counsel for the petitioner submits that the petitioner has been implicated in this case for the alleged offences under Sections 294(b), 323, 3(1)(r), 3(1)(s), and 3(2)(va) of the 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 respondents.

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 Special Judge for SC & ST Act Cases / Principal District and Sessions Judge, Tiruppur District is directed to consider the bail application, in the event of the petitioner filing such petition in connection with Crime No.492 of 2016 pending 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.

With the above direction and observation, this criminal original petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Special Judge for SC & ST Act Cases / Principal District and Sessions Judge, Tiruppur District
2. The Superintendent of Police, Tiruppur, Tiruppur District.
3. The Inspector of Police, Kangayam Police Station Tiruppur District.

4. The Public Prosecutor, High Court, Madras.
+1 cc to M/s.R.Prabakar Advocate sr 60220

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