

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.23605 of 2016

1. Teashop Ponnusamy @ Arumugasamy
2. Balan @ Baladhandapani
3. Uthiramurthi ... Petitioners

Vs

State rep. by
The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District. Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Principal District and Sessions Judge, Coimbatore and Special Judge for S.C.S.T. Act to consider their bail application on the same day on surrender of the petitioners in P.R.C.No.21 of 2016 on the file of learned Judicial Magistrate No.I, Pollachi in Cr.No.1072 of 2011 on the file of the respondent police.

For Petitioners : Mr.M.N.Balakrishnan

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the Principal District and Sessions Judge, Coimbatore and Special Judge for S.C.S.T. Act to consider their bail application on the same day on surrender of the petitioners in P.R.C.No.21 of 2016 on the file of Judicial Magistrate No.I, Pollachi in Cr.No.1072 of 2011 on the file of the respondent police.

2. The learned counsel for the petitioners submits that the petitioners have been implicated in this case for the alleged offences under Sections 307, 376 of IPC, r/w 3(2) (v) of SC/ST (Prevention of Atrocity) Amendment Act, 2014 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, the Learned Principal District and Sessions Judge Coimbatore and Special Judge for SC ST Act, is directed to consider the bail application, in the event of the petitioners filing such petition in PRC No.21 of 2016 on the file of the 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.

With this observation, this Criminal Original Petition is disposed of accordingly.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

- 1.The Principal District and Sessions Judge,
Coimbatore and Special Judge for S.C.S.T. Act
- 2.The Judicial Magistrate No.1,
Pollachi.
3. The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District
- 4.The Public Prosecutor,
High Court, Chennai.

vs (co)
krd 1/11

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