

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.24296 of 2016

Madevan @ Auto Madhavan ... Petitioner

Vs

State Rep. by Inspector of Police
Anchetty Police Station
Krishnagiri District. ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Learned Principal Sessions Judge, Krishnagiri, Krishnagiri District to consider the petitioner's bail application on his surrender in P.R.C.No.29/2009 pending on the file of the Learned Judicial Magistrate, Denkanikottai, Krishnagiri 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, Krishnagiri, Krishnagiri District to consider the petitioner's bail application on his surrender in P.R.C.No.29/2009 pending on the file of the learned Judicial Magistrate, Denkanikottai, Krishnagiri 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, 294-B, 324, 506(ii) IPC r/w 3(1)(x) 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 respondent.

4. It is seen that the investigation in this case was completed and the final report was filed in P.R.C.No.29 of 2009 before the Judicial Magistrate, Denkanikottai and the same is pending before the committal Court for the last seven years. Since the police were not able to secure the petitioner herein and co-accused Babu (A12). If this petition is dismissed, it will only further prolong the agony to the co-accused and the matter will be pending endlessly before the committal Magistrate. Therefore, the petitioner is directed to surrender before the trial Court within two weeks from the date of receipt of a copy of this order. If the petitioner absconds, a fresh FIR should be registered against him under Section 229A IPC.

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, the learned Principal Sessions Judge, Krishnagiri District is directed to consider the bail application, in the event of the petitioner filing such petition in connection with Crime No.77 of 2008 pending 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 on the same day.

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

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1. The Learned Principal Sessions Judge,
Krishnagiri, Krishnagiri District
2. The Judicial Magistrate
Denkanikottai, Krishnagiri District
3. The Inspector of Police,
Anchetty Police Station
Krishnagiri District.

4. The Public Prosecutor,
High Court, Madras.

1 cc to M/s.E. Kannadasan, Advocate, Sr. 62626

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