

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.24770 of 2016

Prathap

... Petitioner/Accused 2

Vs

State Rep. by Inspector of Police,  
Melpatti Police Station,  
Vellore District.

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Learned Principal Sessions Judge, (Special Judge for SC/ST (POA) Act), Vellore, Vellore District to consider the petitioner's bail application on his surrender in Crime No.265/2016 pending on the file of the respondent.

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, (Special Judge for SC/ST (POA) Act), Vellore, Vellore District to consider the petitioner's bail application on his surrender in Crime No.265/2016 pending on the file of the respondent.

2. The learned counsel for the petitioner submits that the petitioner has been implicated in this case for the alleged offences under Sections 147, 294(b), 323, 506(i) IPC r/w 3(1)(r) 3(1)(s) 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.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 Judge for SC/ST (POA) Act), Vellore, Vellore District is directed to consider the bail application, in the event of the petitioner filing such petition in connection with Crime No.265 of 2016 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 in accordance with law on the same day.

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

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,  
(Special Judge for SC/ST (POA) Act),  
Vellore District
2. The Inspector of Police,  
Melpatti Police Station,  
Vellore District.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.E.Kanndasan, Advocate, S.R.No.64736

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GR(CO)  
CA(11/11/2016)