

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.25877 of 2016

1. Chidambaram
2. A.Karuppusamy ... Petitioners

Vs

State Rep. by
The Inspector of Police
Chithode Police Station,
Erode District. ...Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Learned District and Sessions Judge, Erode, to consider the bail application to be filed by the petitioners on their surrender, on the same day, and pass orders on merits in the said petition, pending investigation in Crime No.496 of 2016 on the file of the Inspector of Police, Chithode Police Station, Erode District.

For Petitioners : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the District and Sessions Judge, Erode, to consider the bail application to be filed by the petitioners on their surrender, on the same day, and pass orders on merits in the said petition, pending investigation in Crime No.496 of 2016 on the file of the Inspector of Police, Chithode Police Station, Erode District.

2. The learned counsel for the petitioners submits that the petitioners have been implicated in this case for the alleged offences under Sections 294(b), 323 and 324 of the Indian Penal Code, 1860 r/w Section 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 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 District and Sessions Judge, Erode is directed to consider the bail application, in the event of the petitioners filing such petition in connection with Crime No.496 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 consider the same in accordance with law on the same day.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The District and Sessions Judge,
Erode,
2. The Inspector of Police
Chithode Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.A.K.Kumarasamy, advocate, sr.70366.

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