

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

CRIMINAL O.P.No.6471 of 2016

1.C.Ramesh
2.C.Murugesan
3.R.Murugesan
4.K.Murugesan
5.K.Palaniappan
6.K.Govindaraj
7.K.Ganesan

... Petitioners

Vs.

The State,
rep. by Inspector of Police,
Sooramangalam Police Station,
Salem District.
(Crime No.112 of 2016)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. praying to pass an order of direction directing the Principal Sessions Judge [Special Judge for SC/ST (Prevention of Atrocities) Act], Salem, to consider the bail application of the petitioners concerned in Crime No.112 of 2016 on the file of the Inspector of Police, Sooramangalam Police Station, Salem District, on their surrender on the same day on such terms and conditions.

For petitioners : Mr.M.Elango

For respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioners, alleging that they have been falsely implicated by the respondent for the alleged offences punishable under sections 147, 294(b), 323, 324 of IPC r/w 3(i)(x) of the Scheduled castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, seek for a direction to direct the Principal Sessions Judge, Salem, to consider and dispose of their bail applications, which will be filed by them under

Section 439 of Cr.P.C. on the same day of their surrender before him in connection with Crime No.112 of 2016 on the file of the respondent police.

2. The case of the prosecution is that the defacto complainant viz., Selvakumar belongs to Scheduled Caste Community. On 15.2.2016, he went to the Petrol Bunk located at Thannithotti Area. After filling the petrol to his bike for a sum of Rs.50/-, the defacto complainant failed to pay the money saying that the amount would be paid after getting from his house. Thereupon, a quarrel arose between the defacto complainant and the first petitioner herein. It is alleged that at the time of altercation, the first petitioner scolded the defacto complainant by referring to his community.

3. It is further alleged that when he went to the brother's house of the first petitioner for questioning the attitude of the first petitioner, he along with other petitioners had beaten him, in which, the defacto complainant suffered an injury and admitted in the Government Hospital, Salem.

4. In the affidavit filed in support of the petition, it is averred that since the defacto complainant had refused to pay the money for petrol, the petrol bunk owner had given a complaint against the defacto complainant and a case was registered against him for criminal intimidation and cheating and in order to get over from the said case, the defacto complainant has given a false complaint against the petitioners.

5. In It is also averred in the affidavit filed in support of the petition that the petitioners are unable to move Anticipatory Bail Application in view of the bar under Section 18 of the Scheduled castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and hence, they are constrained to file the present petition invoking section 482 of Cr.P.C.,.

6. Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the respondent.

7. Considering the nature of case and the prayer sought for and taking note of the fact that the petitioners are prepared to surrender before the Principal Sessions Judge, Salem, this Court directs the Principal Sessions Judge, Salem, to consider the bail applications to be submitted by the petitioners on their surrender, on the same day, on merits and pass appropriate orders.

8. Accordingly, the Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Principal Sessions Judge
[Special Judge for SC/ST (Prevention
of Atrocities) Act],
Salem.

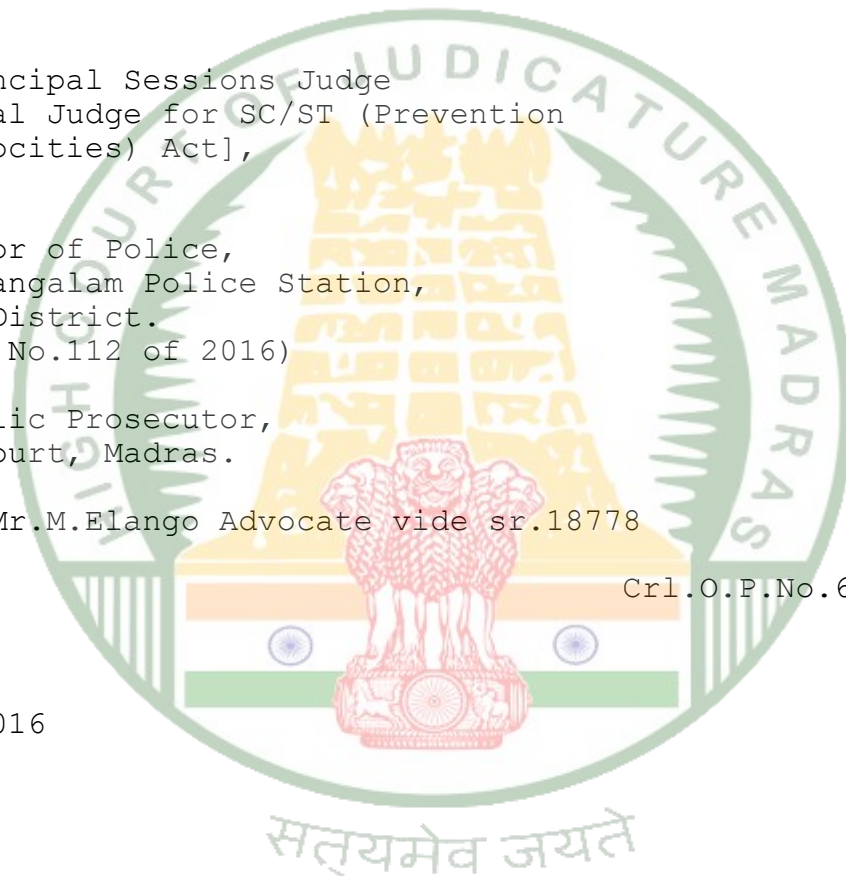
2.Inspector of Police,
Sooramangalam Police Station,
Salem District.
(Crime No.112 of 2016)

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Elango Advocate vide sr.18778

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