

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Cr1.O.P.No.7987 of 2016

1.Vinoth
2.Marimuthu
3.Prakash

...Petitioners

Vs.

State rep.by
The Inspector of Police,
Perambur Police Station,
Perambur, Nagapattinam District.

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the learned I Additional District and Sessions Judge, Thanjavur, or any other Sessions Court to accept the bail petition in Crime No.85 of 2016 on the file of the respondent.

For Petitioners : Mr.C.T.Saravanan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioners have come forward with this petition seeking for a direction, directing the learned I Additional District and Sessions Judge, Thanjavur, or any other Sessions Court to accept the bail petition in Crime No.85 of 2016 on the file of the respondent.

2.The learned counsel appearing for the petitioners submitted that the petitioners were arrested on 10.03.2016 in connection with Crime No.85 of 2016 on the file of the respondent for offences punishable under Sections 341, 354(A), 506(i) IPC read with 11 and 12 of the POCSO Act, 2012 and Sections 3(1)(r) 3(1)(s) 3(1)(ai)(ii) of SC/ST (POA) Amendment Ordinance Act, 2014. He further submitted that the petitioners have already filed an application before the Special Court constituted for SC/ST Act cases and the said application was returned stating that FIR of this case is not pending before this Court. Hence, the petitioner has come forward with this petition for the above stated relief.

3.Resisting the same, the learned Additional Public Prosecutor appearing for the respondent submitted that charge sheet is yet to be filed. He further submitted that the bail application has to be filed only before the learned Principal District Judge, Thanjavur, and not before the learned I Additional Sessions Judge specially dealing with SC/ST Act cases. Hence, he prays for dismissal of this petition.

4.Considering the rival submissions made on both sides and on perusal of typed set of papers, though the case has been registered in the year 2016, charge sheet is yet to be filed. So, the learned I Additional Sessions Judge, (PCR), Thanjavur, has no locus standi to entertain the bail application. Further, the accused were already arrested not only for the offence in respect of SC/ST Act but also POCSO Act. Hence, the petitioners are directed to file a bail application before the Competent Authority viz., the learned Principal District Judge, Thanjavur.

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

mps

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Principal District Judge, Thanjavur.
- 2.The I Additional District and Sessions Judge, Thanjavur.
- 3.The Inspector of Police, Perambur Police Station, Perambur, Nagapattinam District.
- 4.The Public Prosecutor, Madras High Court, Madras.

KR/13/4/16

Cr1.O.P.No.7987 of 2016