



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Crl.O.P. (MD) .No.17371 of 2016

WEB COPY

Selvam @ Loganathan

.. Petitioner

Vs.

The state rep. By
The Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.
(Crime No.48 of 2016)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Sessions Court (Special Court constituted under Schedule Caste and the Scheduled Tribes Prevention of Atrocities Act, 1989), Sivagangai to consider the bail application on merits and dispose of the bail application on the same day in the event of their surrender, pending investigation in Crime No.48 of 2016, on the file of the respondent herein.

For Petitioner : Mr.K.Rajeshwaran

For respondent : Mr.K.Anbarasan
Government Advocate(Criminal side)

ORDER

This application has been filed seeking a direction to the Court, which is dealing with the SC/ST Act cases to consider the bail application on the day of surrender itself.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3.The petitioner is arrayed as accused in Crime No.48/2016 in respect of the offences under Sections 294(b), 323, 506(i) of IPC read with 3(1)(r) and 3(1)(s) of the SC/ST (POA) Amendment Ordinance Act in 2014 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.

4.The learned Government Advocate (Crl. Side) would submit that the injured person had already been discharged from the hospital.



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 Sessions Court (Special Court constituted under Schedule Caste and the Scheduled Tribes Prevention of Atrocities Act, 1989), Sivagangai, is directed to accept the surrender of the petitioner and consider his bail application, in the event of the petitioner filing such petition in Crime No.48/2016 on the file of the respondent police and dispose of the same on merits and in accordance with law on the same day.

6.This petition is disposed of accordingly.

Sd/

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Sessions Judge,
(Special Court constituted under Schedule Caste
and the Scheduled Tribes Prevention of Atrocities Act, 1989),
Sivagangai.

2.The Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,Madurai.

+1cc to M/S.K.Rajeshwaran,Advocate in SR.No.53883

Cr1.O.P(MD)No.17371 of 2016
20.09.2016

am

PA/AAL-MPA/SAR III/28.09.2016/2P/5C