



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Criminal Original Petition (MD) No.4316 of 2016

WEB COPY

1. Abdul Kabur
2. Palanisamy @ Palaniselvam
3. Jeyaram
4. Thangaraj
5. Subban @ Subbiah

... Petitioners /
Accused Nos.1,4,5,7&9

vs.

The State
Rep. By Inspector of Police,
Vadamadurai Police Station,
Dindigul District
Crime No.91/2016

... Respondent

PRAYER: This petition is filed under Section 482 Cr.P.C to direct the learned Principal District & Sessions Judge, (Special Court for SC/ST (POA) Act Cases) Dindigul, to consider the bail application of the petitioners herein and pass orders on the same day, if the petitioners are surrender before the said Court in connection with the case in Crime No.91/2016, on the file of the respondent.

For Petitioners: Mr.N.Sathish Babu
For Respondent : Mrs.S.Prabha, G.A.(Crl.Side)
For Intervenor : Mr.T.Lajapathi Roy

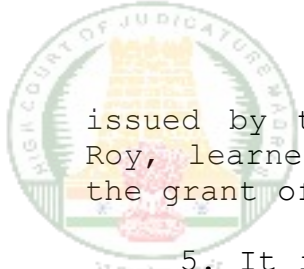
O R D E R

The learned counsel appearing for the petitioners has submitted that the petitioners have come forward with this petition seeking for a direction to the learned Principal District & Sessions Judge, (Special Court for SC/ST (POA) Act Cases) Dindigul to consider the bail application of the petitioners on the same day on their surrender in Crime No.91 of 2016, pending on the file of the respondent Police.

2. The learned counsel for the petitioners has also submitted that the petitioners have been implicated in this case for the alleged offences under Sections 147, 148, 448, 380 I.P.C. And 3(1) of TNPPDL Act & Section 3 (1) (XV) of S.C. & S.T. (POA) Act, 1989, 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 Government Advocate (Criminal Side) takes notice for the respondent.

4. It is seen that FIR has been registered pursuant to a direction



issued by this Court in CrI.O.P.(MD) No.2077 of 2016. Mr.T.Lajapathi Roy, learned counsel for the de-facto complainant, strongly objected to the grant of relief to the petitioner.

5. It is seen that except the 1st petitioner, the petitioners 2, 3, 4 and 5 are belonging to Scheduled Caste and therefore, the provisions of the SC/ST Act cannot be applied to them.

6. 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 1st petitioner cannot move any anticipatory bail, the learned Principal District & Sessions Judge, (Special Court for SC/ST (POA) Act Cases) Dindigul, is directed to accept the surrender of the 1st petitioners and consider his bail application, in the event of the petitioners filing such petition in Crime No. 91 of 2016, on the file of the respondent Police, and dispose of the same on merits and in accordance with law on the same day.

7. With the above observation, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO Dept.)

/True copy/

Sub Assistant Registrar

To

1. The Principal District & Sessions Judge,
(Special Court for SC/ST (POA) Act Cases), Dindigul
2. The Inspector of Police,
Vadamadurai Police Station,
Dindigul District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.SATHISH BABU,, Advocate, SR No.15533

CrI.O.P (MD) .No.4316 of 2016
18.03.2016

RR

SH/SK-SKN:24.03.2016:2P/5C