

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.8543 of 2018

Palraj

..Petitioner

Vs

The State Rep by its
The Inspector of Police,
Deevattipatty Police Station,
Salem District.
(Cr. No.123 of 2018)

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the District and Sessions Court, Salem (Special Judge for SC & ST Act) to consider the petitioner's surrender and pass appropriate orders on the bail application file by the petitioner on the same day itself in connection with the Crime No.123 of 2018 on the file of Deevattipatty Police Station, Salem District.

For Petitioner : M/s.T.Ganesan

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. Side)

O R D E R

This petition is filed for a direction to the District and Sessions Court, Salem (Special Judge for SC & ST Act), to consider the petitioners' bail petition on the same day of their surrender in connection with Crime No.123 of 2018, since the offences are pertaining to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The learned Government Advocate (Crl. Side) submitted that since the offences under Section 306 IPC r/w. Sections 4 and 9 of TamilNadu Prohibition of Charging Exorbitant Interest Act, 2003, the present petition should not be considered.

3. Recording the submission made by the learned Government Advocate (Crl. Side), I am also of the view that this objection can be raised before the trial Court on his surrender.

4. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration of the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the District and Sessions Court, Salem (Special Judge for SC & ST Act), to consider the petitioners' bail application, preferably on the same day of his surrender in connection with Cr.No.123 of 2018 and pass appropriate orders in accordance with law after affording due opportunity to the victim. The petitioner shall surrender before the concerned jurisdictional Court within a period of fifteen days from the date of receipt of a copy of this order.

5. In view of the above, the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

dh

To

1. The District and Sessions Court,
Salem (Special Judge for SC & ST Act).
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of police,
Deevattipatty police station,
salem district.

+1cc to Mr.T.GONESAN, Advocate, S.R.No. 20745

CRL.O.P.No.8543 of 2018

NRK(CO)
TR(05/04/2018)