

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.05.2018

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No. 13291 of 2018

1. Rajendran @ Raji
2. Sivakumar @ Appu ... Petitioners/Accused 1 & 2

Vs

State by
Inspector of Police,
Keelaiyur Police Station
Thiruvavarur District.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the learned Special Court for PCR cases cum District and Sessions Judge, Nagapattinam to consider the bail application of the petitioners on the same day of their surrender in Cr.No. 77 of 2018 on the file of the respondent police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.M.Prabhavathi,
Addl. Public Prosecutor

O R D E R

The learned counsel for the petitioners submits that the petitioners have come forward with this petition seeking for a direction to the learned Special Court for PCR cases cum District and Sessions Judge, Nagapattinam to consider the bail application of the petitioners on the same day of their surrender in Cr.No. 77 of 2018 on the file of the respondent police.

2. The learned counsel for the petitioners submits that the petitioners have been implicated in this case for the alleged offences under Sections 147, 148, 294(b), 323, 324, 506 (2), 307 of IPC and 3(1)(r), 3(1)(s), 3(2)(va) of SC & ST [Prevention of Atrocities] Amendment Act 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 counsel for the petitioners seeks permission of this Court to withdraw this petition in respect of the first petitioner alone and he has also made an endorsement to that effect.

4. In view of the above endorsement made by the learned counsel for the petitioners, this Petition is dismissed as withdrawn in respect of the first petitioner alone.

5. The learned Additional Public Prosecutor takes notice for the respondent.

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 SC & ST [Prevention of Atrocities] Act that the second petitioner cannot move any anticipatory bail, the learned Special Court for PCR cases cum District and Sessions Judge, Nagapattinam is directed to pass order on the bail application on merits on the same day, in the event of the second petitioner filing such petition. The Petitioners shall file application within a period of two weeks from the date of receipt of a copy of this order, Trial Court shall dispose of the same on merits and in accordance with law.

7. With this observation, this petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS-ix)

//True Copy//

Sub Assistant Registrar

ssd/vsg

To

1. The District and Sessions Court
Special Court for PCR cases, Nagapattinam.
2. The Inspector of Police,
Keelaiyur Police Station
Thiruvarur District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.JAWAHAR, Advocate, S.R.No. 34327

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TR(07/06/2018)



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