

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.15261 of 2018

1.Raja
2.Mathankumar

... Petitioners

Vs

State by
The Inspector of Police
Marakkanam Police Station
Villupuram District.

...Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., seeking a direction to the Special Court constituted under S.C. & S.T (Prevention of Atrocities) Act, (Principal Sessions Judge), Villupuram to consider their bail application on their surrender on the same day in respect of Crime No.187 of 2018 on the file of the Inspector of Police, Marakkanam Police Station, Villupuram District.

For Petitioners : Mr.K.Balaji

For Respondent : Mrs.Kritika Kamal.P.
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the Special Court constituted under S.C. & S.T (Prevention of Atrocities) Act, (Principal Sessions Judge), Villupuram to consider the petitioners' bail application on their surrender on the same day in respect of Crime No.187 of 2018 on the file of the Inspector of Police, Marakkanam Police Station, Villupuram District.

2. The learned counsel for the petitioners submits that the petitioners have been implicated in this case for the alleged offences under Sections 294(b), 324 and 307 of the Indian Penal Code, 1860 and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act 1989, Amendment 2015 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 (Crl. Side) takes notice for the respondent.

4. Taking into consideration the serious nature of allegations against the 1st petitioner/Raja (A1), this Court is of the view that this is not a fit case to grant usual SC/ST order for A1. Hence, this petition is dismissed insofar as the 1st petitioner/Raja (A1) is concerned.

5. However, as regards the 2nd petitioner/Mathankumar (A2), taking into consideration the fact that he is only 19 years old 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 2nd petitioner/Mathankumar (A2) cannot move any anticipatory bail, the Special Court constituted under S.C. & S.T (Prevention of Atrocities) Act, (Principal Sessions Judge), Villupuram is directed to consider the bail application, in the event of the 2nd petitioner/Mathankumar (A2) filing such petition in connection with Crime No.187 of 2018 pending on the file of the respondent / police within a period of two weeks from the date of receipt of a copy of this order and consider the same in accordance with law on the same day.

With the above direction, this petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

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To

1. Principal Sessions Judge
The Special Court constituted under
S.C. & S.T (Prevention of Atrocities) Act,
Villupuram
2. The Inspector of Police
Marakkanam Police Station
Villupuram District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Anburaja, Advocate SR.No.39056

Cr1.OP.No.15261 of 2018

RJ(CO)
GN(25/06/2018)



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