

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.15843 of 2018

1.Kumar @ Sivakumar
2.Mamadiyan Thangaraj @ Thangaraj
3.Palanisamy
4.Selvaraj
5.Singaram
6.Venkatesan .. Petitioners

Vs

The State rep. by its
The Inspector of Police,
Tholasampatty Police Station,
Salem District. [Cr.No.94/2018] .. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the District and Sessions Judge, Salem [Spl. Judge for SC & ST Act] to consider the petitioners surrender and pass appropriate orders on the bail application filed by the petitioners on the same day itself in connection with Cr.No.94 of 2018 on the file of the Tholasampatty Police Station, Salem District.

For Petitioners : Mr.T.Ganesan

For Respondent : Mr.C.Raghavan, Govt. Advocate

O R D E R

The learned counsel for the petitioners submit that the petitioners have come forward with this petition seeking for a direction to the learned District and Sessions Judge, Salem [Spl. Judge for SC & ST Act] to consider the bail application of the petitioners on the same day on their surrender in Crime No.94 of 2018 pending on the file of the respondent.

2.The learned counsel for the petitioners also submit that the petitioners have been implicated in this case for the alleged offences under Sections 147, 148, 294[b], 323 and 324 of IPC r/w Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST [POA] Amendment Act, 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 takes notice for the respondent.

4.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 [POA] Act that the petitioners cannot move any anticipatory bail, the learned District and Sessions Judge, Salem [Spl. Judge for SC & ST Act] is directed to consider the bail application, in the event of the petitioners filing such petition in Crime No.94 of 2018 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 dispose of the same on merits and in accordance with law on the same day.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The District and Sessions Judge [Spl. Judge for SC & ST Act],
Salem.

2.The Inspector of Police,
Tholasampatty Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Ganesan, Advocate sr.no.39379

nm(co)
nr 25/06/2018

CRL.OP.No.15843 of 2018