

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.16156 of 2018

V.Manikandan

... Petitioner

Vs

The State Rep. by
The Inspector of Police
All Women Police Station
Tindivanam.

...Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Principal District Judge, Villupuram (the Special Court for SC and ST (Prevention of Atrocities) Act, Villupuram) to consider the petitioner's bail petition on the same day and to enlarge the petitioner/accused on bail in Crime No.5 of 2018 dated 30.05.2018 on the file of the respondent police.

For Petitioner : Mr.V.Munusamy
For Respondent : Mrs.Kritika Kamal.P.
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking a direction to the Principal District Judge, Villupuram (the Special Court for SC and ST (Prevention of Atrocities) Act, Villupuram) to consider the petitioner's bail petition on the same day and to enlarge the petitioner/accused on bail in Crime No.5 of 2018 dated 30.05.2018 on the file of the respondent police.

2. The learned counsel for the petitioner submits that the petitioner has been implicated in this case for the alleged offences under Sections 376, 417, 312, 354(c), 406, 506(ii) of the Indian Penal Code, 1860 and Sections 3(1)(s) and 2(1)(w)(i) 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 petitioner cannot move any anticipatory bail application and therefore, the petitioner has come forward with the said prayer.

3. The learned Government Advocate (Crl. Side) takes notice for the respondent.

4. Under normal circumstances, this Court will not issue usual SC/ST directions for the offence under Section 376 IPC. However, in this case, on a perusal of the case diary, it is seen that Suganya, the de facto complainant was already married to one Murugan and she has a child through the wedlock; she got estranged from her husband and had an affair with the petitioner herein; now, it is alleged by the de facto complainant that the petitioner promised to marry her and had physical relationship with her. The fact remains that her marriage with Murugan is still subsisting.

5. In such view of the matter, 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 petitioner cannot move any anticipatory bail, the Principal District Judge, Villupuram (the Special Court for SC and ST (Prevention of Atrocities) Act, Villupuram) is directed to consider the bail application, in the event of the petitioner filing such petition in connection with Crime No.5 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(Ccc)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Principal District Judge, Villupuram
(the Special Court for SC and ST (Prevention of Atrocities)
Act,
Villupuram)

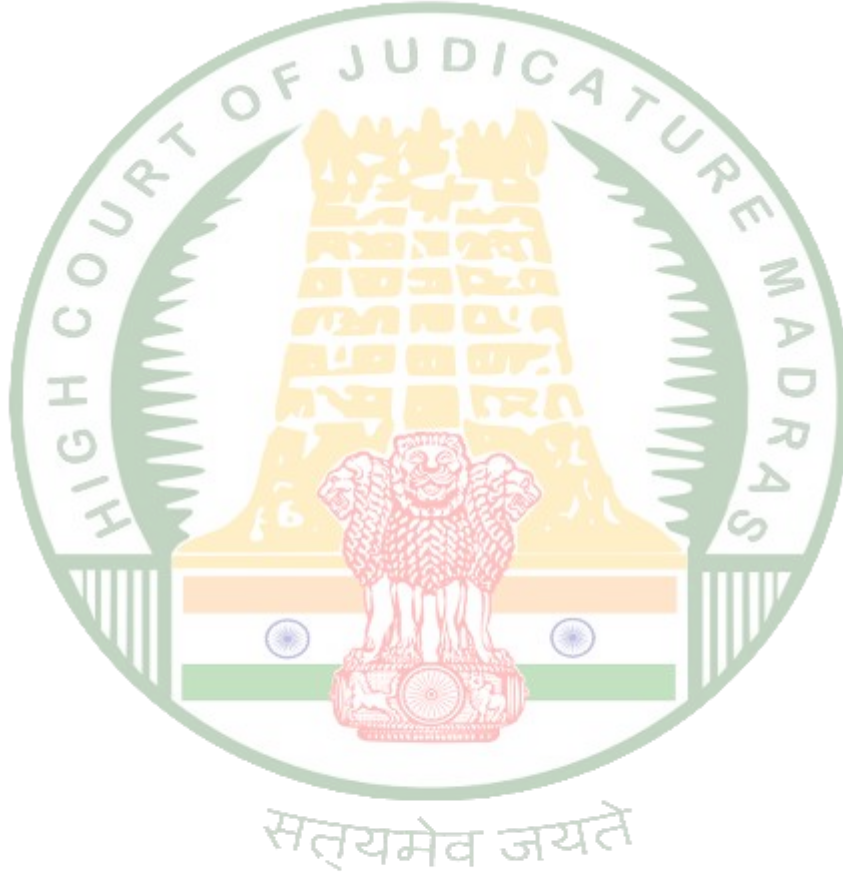
2. The Inspector of Police
All Women Police Station
Tindivanam.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.V.MUNUSAMY, Advocate, S.R.No. 41271

Cr1.OP.No.16156 of 2018

TR(29/06/2018)



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