

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.17060 of 2018

V.Dhanapal

.. Petitioner/Accused

Vs

State rep. by
The Assistant Superintendent of Police,
Nagapattinam, Keevalur Police Station,
Nagapattinam District.
(Crime No.2 of 2018)

.. Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the II Additional District & Sessions Judge, Thanjavur/ Special Judge constituted under S.C. & S.T. (Prevention of Atrocities) Act, Thanjavur to consider his bail application on his surrender on the same day in respect of Crime No.2 of 2018 on the file of the Assistant Superintendent of Police, Nagapattinam, Keevalur Police Station, Nagapattinam District.

For Petitioner : Mr.M.S.Arun Khumar

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

O R D E R

The learned counsel for the petitioner submits that the petitioner has come forward with this petition seeking for a direction to the learned II Additional District & Sessions Judge, Thanjavur/Special Court constituted under S.C. & S.T. (Prevention of Atrocities) Act, Thanjavur to consider the bail application of the petitioner on the same day on his surrender in Crime No.2 of 2018 pending on the file of the respondent.

2.The learned counsel for the petitioner also submits that the petitioner has been implicated in this case for the alleged offences under Sections 294(b), 506[ii] of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST [Prevention of Atrocities] Amendment Act, 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 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 [Prevention of Atrocities] Act that the petitioner cannot move any anticipatory bail, the learned II Additional District & Sessions Judge, Thanjavur/Special Court constituted under S.C. & S.T. (Prevention of Atrocities Act, Thanjavur is directed to consider the bail application, in the event of the petitioner filing such petition in Crime No.2 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.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

gmd

To

1.The II Additional District & Sessions Judge,
Spl. Judge constituted under S.C. & S.T. Act,
Thanjavur.

2.The Assistant Superintendent of Police,
Nagapattinam, Keevalur Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S. Arunkumar, Advocate sr 43329.

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GSP(05/07/2018)