

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.17099 of 2018

1.Kolanchi (Annadurai)
S/o.Natchathira Udaiyar

2.Thangarasu
S/o.Subramaniyan

3.Pushpavalli
W/o.Subramani

4.Kamaraj
S/o.Kumarasamy

5.Amirdham
W/o.Natchathira Udaiyar

6.Sumathi
W/o.Senthilkumar ... Petitioners

Vs

State represented by
The Inspector of Police
Ariyalur Police Station. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., seeking a direction to the Principal District and Sessions Judge, Ariyalur, to consider the bail application of the petitioners concerned in Crime No.419 of 2018, on the file of the Inspector of Police, Ariyalur Police Station on their surrender on the same day.

For Petitioners : Mr.C.Prabakaran
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 and Sessions Judge, Ariyalur, to consider the bail application of the petitioners concerned in Crime No.419 of 2018, on the file of the Inspector of Police, Ariyalur Police Station on their surrender on the same day.

2. Today, Mr.G.Selvakumar, Sub-Inspector of Police, Ariyalur Police Station, Ariyalur District, is present before this Court.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent.

4. On the complaint lodged by one Thangarasu, the respondent police registered a case in Crime No.419 of 2018 and after completing the investigation, have filed a charge sheet in Special S.C.No.11 of 2017 before the Principal District and Sessions Judge, Ariyalur (Special Court for SC/ST cases) for the offences under Sections 147, 294-B, 323 and 506(i) IPC and Section 3(1)(r&s) and 3(2)(va) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act 1989, Amendment 2015. It is seen that all the accused have been shown as absconding accused, which means that they were not arrested during investigation. The trial Court has also issued non-bailable warrant to secure the accused. Under normal circumstances, this Court will not grant anticipatory bail to the accused who were already been issued with non-bailable warrant, by the trial Court. However, on a reading of the charge sheet, it is seen that the dispute is essentially between the petitioners and the de facto complainant with regard to the cultivation of a land, in which, both of them were claiming rights. That apart, only Section 323 IPC has been invoked.

5. The learned Government Advocate (Crl. Side) submitted that as against Kolanchi (Annadurai), S/o.Natchathira Udaiyar, a case in Crime No.391/2016 under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act 1989, Amendment 2015, was registered and the charge sheet has been filed against him.

6. In view of the above, this Court is of the view that this is not a fit case to grant usual SC/ST order for Kolanchi (Annadurai), S/o.Natchathira Udaiyar (A2/1st petitioner herein). Hence, this petition is dismissed insofar as the 1st petitioner Kolanchi (Annadurai), S/o.Natchathira Udaiyar (A2) is concerned.

7. However, as regards the petitioners 2 to 6/Thangarasu (A3), Pushpavalli (A4), Kamaraj (A5), Amirdham (A6) and Sumathi (A7), 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 petitioners 2 to 6/Thangarasu (A3), Pushpavalli (A4), Kamaraj (A5), Amirdham (A6) and Sumathi (A7), cannot move any anticipatory bail, the Principal District and Sessions Judge, Ariyalur, is directed to consider the bail application, in the event of the petitioners 2 to 6/Thangarasu (A3), Pushpavalli (A4), Kamaraj (A5), Amirdham

(A6) and Sumathi (A7), filing such petition in connection with Crime No.419 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 IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District and Sessions Judge,
Ariyalur.

2.The Inspector of Police
Ariyalur Police Station.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No. 45550

BM 12/07/2018

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सत्यमेव जयते
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