

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.17545 of 2018

1. Shanmugam
2. Guramma
3. Paranthaman
4. Vinitha

... Petitioners

Vs

State by
The Inspector of Police
All Women Police Station
Ambur, Vellore District.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., seeking a direction to the Principal District and Sessions Judge, (Special Judge for SC & ST (Prevention of Atrocities) Act), Vellore to consider and dispose of the bail application of the petitioners on merits in connection with the case in Crime No.7 of 2018 on the file of the Inspector of Police, All Women Police Station, Ambur, Vellore District on the same date of their surrender.

For Petitioners : Mr.R.Arundattan
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, (Special Judge for SC & ST (Prevention of Atrocities) Act), Vellore to consider and dispose of the bail application of the petitioners on merits in connection with the case in Crime No.7 of 2018 on the file of the Inspector of Police, All Women Police Station, Ambur, Vellore District on the same day of their surrender.

2. The learned counsel for the petitioners submits that the petitioners have been implicated in this case for the alleged offences under Sections 376, 420, 493, 294-B & 506(i) of the Indian Penal Code, 1860 and Section 3(1)(r) and 3(1)(s) 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. It is the case of the de facto complainant that Shanmugam (A1) promised to marry her and had physical relationship with her and thereafter reneged. Taking into consideration the serious nature of allegations against the 1st petitioner/Shanmugam (A1), this Court is of the view that this is not a fit case to grant the relief as prayed for in respect of Shanmugam (A1). Hence, this petition is dismissed insofar as the 1st petitioner/Shanmugam (A1) is concerned.

5. However, as regards the petitioners 2, 3 and 4/Guramma (A2), Paranthaman (A3) and Vinitha (A4), 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, 3 and 4 cannot move any anticipatory bail, the Principal District and Sessions Judge, (Special Judge for SC & ST (Prevention of Atrocities) Act), Vellore is directed to consider the bail application, in the event of the petitioners 2, 3 and 4/Guramma (A2), Paranthaman (A3) and Vinitha (A4), filing such petition in connection with Crime No.7 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 VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge,
(Special Judge for SC & ST (Prevention of Atrocities) Act),
Vellore.

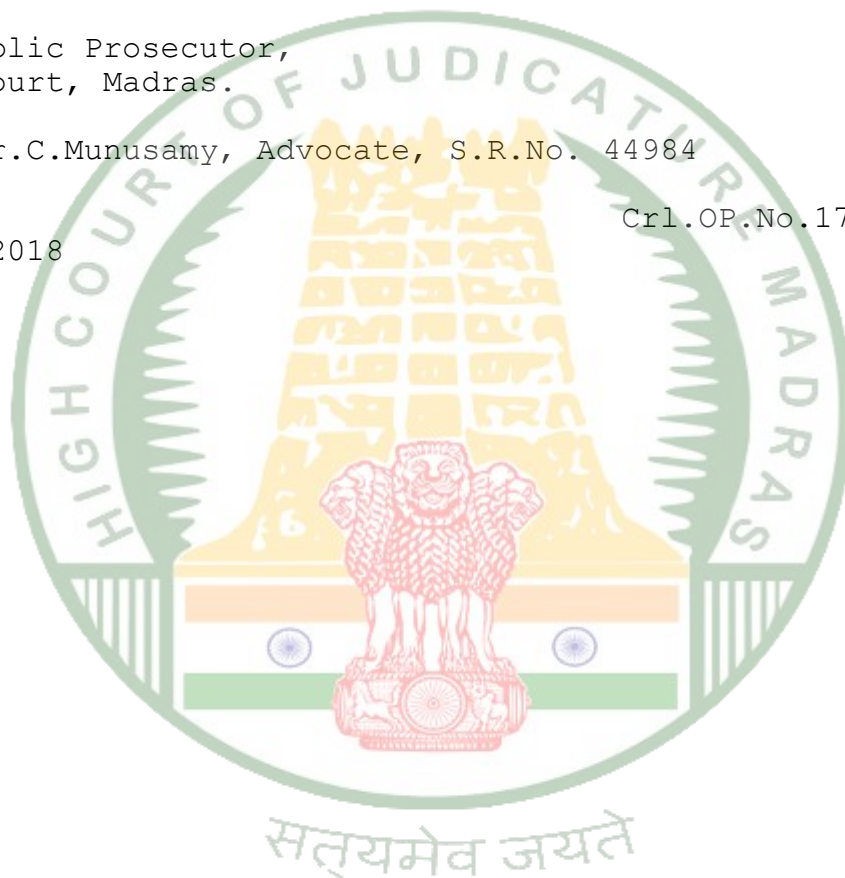
2. The Inspector of Police
All Women Police Station
Ambur, Vellore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Munusamy, Advocate, S.R.No. 44984

Cr1.OP.No.17545 of 2018

BM 11/07/2018



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