

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.17726 of 2018

J.Mohamed Tharick

... Petitioner

Vs

State rep. by

The Sub Inspector of Police

E-3, Minjur Police Station

Thiruvallur District.

Crime No.327/2018

...Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., seeking a direction to the District & Sessions Court, Thiruvallur (Special Judge for S.C. & S.T. Act) to consider the surrender and pass appropriate orders on the bail application filed by the petitioner on the same day in connection with Crime No.327 of 2017 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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 District & Sessions Court, Thiruvallur (Special Judge for S.C. & S.T. Act) to consider the surrender and pass appropriate orders on the bail application filed by the petitioner on the same day in connection with Crime No.327 of 2017 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 Section 294-B, 341, 394 and 506(ii) of the Indian Penal Code, 1860 and 3(1)(x) 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. It is represented that it is a case and counter and counter case has been registered in Crime No.326 of 2018 under Section 307 IPC against the de facto complainant and others in Crime No.327 of 2018.

5. 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 S.C. & S.T. (Prevention of Atrocities) Act that the petitioner cannot move any anticipatory bail, the District & Sessions Court, Thiruvallur (Special Judge for S.C. & S.T. Act) is directed to consider the bail application, in the event of the petitioner filing such petition in connection with Crime No.327 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 this observation, this criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District & Sessions Court,
Thiruvallur .
(Special Judge for S.C. & S.T. Act)

2. The Sub Inspector of Police
E-3, Minjur Police Station
Thiruvallur District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sasikumar, Advocate sr.no.45677

Crl.OP.No.17726 of 2018

nr 13/07/2018