

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.18442 of 2018

S.Santhoshkumar

... Petitioner

Vs

The Inspector of Police
Kairalabath Police Station
Ariyalur.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure seeking a direction to the Principal District and Sessions Judge cum Special Judge for SC and ST Prevention of Atrocities Act, Ariyalur, to consider the petitioner surrender on the same day in the above said Crime No.120 of 2018 on the file of the respondent police and release on bail.

For Petitioner : Mr.C.Sivakumar
For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the Principal District and Sessions Judge cum Special Judge for SC and ST Prevention of Atrocities Act, Ariyalur, to consider the petitioner's surrender on the same day in Crime No.120 of 2018 on the file of the respondent police and release him on bail.

2. The learned counsel for the petitioner submits that the petitioner has been implicated in this case for the alleged offences under Sections 294-B, 324 and 506(i) of the Indian Penal Code, 1860 and 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 r/w 3(1)(r)(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 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 and submitted that the petitioner has damaged the camera of the de facto complainant.

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 S.C. & S.T. (Prevention of Atrocities) Act that the petitioner cannot move any anticipatory bail, Principal District and Sessions Judge cum Special Judge for SC and ST Prevention of Atrocities Act, Ariyalur, is directed to consider the bail application, in the event of the petitioner filing such petition in connection with Crime No.120 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, on condition that the petitioner should deposit a sum of Rs.3,000/- (Rupees Three Thousand Only), without prejudice to his defence before the trial Court at the time of surrendering and on such deposit the same shall be disbursed to the de facto complainant.

With this observation, this criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge cum Special Judge for SC and ST Prevention of Atrocities Act, Ariyalur.
2. The Inspector of Police
Kairalabadh Police Station
Ariyalur.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.Sivakumar, Advocate, S.R.No.48704

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CS/24/07/18