

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18612 of 2018

1.Dhananjayan
2.Seran
3.Udhayakumar
4.Masilamani
5.Kanjan Rajendiran

.. Petitioners

Vs

The State rep. by
The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the Principal Sessions Court, Tiruvannamalai
to consider the bail application of the petitioner to be filed
in Crime No.2/2012 pending on the file of the respondent and
pass orders on the same day when the petitioner has surrendered
before the above said court.

For Petitioners : Mr.B.Jawahar

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

O R D E R

The learned counsel for the petitioners submit that the
petitioners have come forward with this petition seeking for a
direction to the learned Principal Sessions Judge,
Tiruvannamalai to consider the bail application of the
petitioners on the same day on their surrender in Crime No.2 of
2012 pending on the file of the respondent.

2.The learned counsel for the petitioners also submit that
the petitioners have been implicated in this case for
the alleged offences under Sections 147, 148, 341, 323, 324
and 506[ii] of IPC r/w Section 3(1)(x) of SC/ST [Prevention of
Atrocities] Act, 1989 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 takes notice for the respondent.

4.On the complaint lodged by Murugan, the respondent Police registered a case in Crime No.2 of 2012 and after completing the investigation have filed a charge sheet before the learned Judicial Magistrate, Polur against 11 accused for the offences under Sections 147, 148, 341, 323, 324 and 506[iii] IPC read with Section 3(1)(x) of SC&ST [POA] Act, 1989. During the course of investigation, the Police arrested A1, A4, A5, A6, A7 and A9 and they were released on bail. As regard the other accused who are the petitioners herein, they were not arrested during investigation. But, however, an absconding charge sheet was filed against them and non bailable warrant has been issued against them. It is represented that the learned Judicial Magistrate, Polur has not yet taken the same on file and has not assigned PRC number.

5.Today, Mr.B.Elangovan, SSI, Kadaladi Police Station, Tiruvannamalai District is present before this Court.

6.On instructions, learned Government Advocate submitted that the final report in Crime No.2 of 2012 has been forwarded by the learned Judicial Magistrate, Polur to the Special Court for SC&ST Act Cases, Tiruvannamalai.

7.Taking into consideration, the nature of allegations in the FIR and in view of the specific bar under Section 18 of the SC/ST [POA] Act that the petitioners cannot move any anticipatory bail, the learned Principal Sessions Judge, Tiruvannamalai is directed to consider the bail application, in the event of the petitioners filing such petition in Crime No.2 of 2012 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.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gya

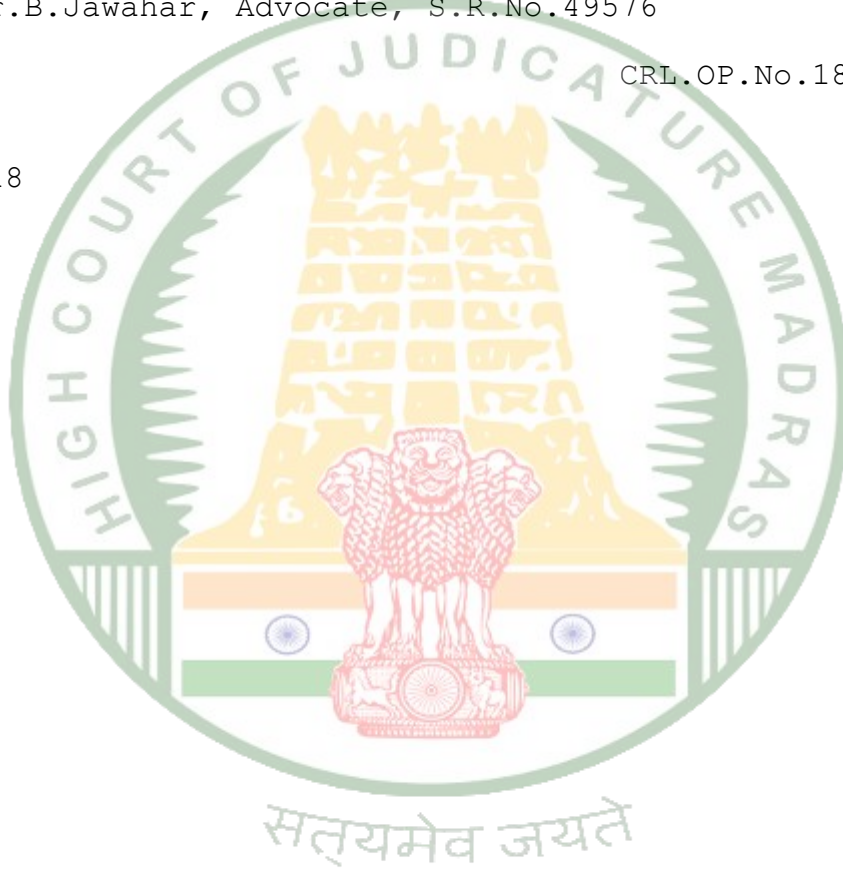
To

1. The Principal Sessions Judge,
Tiruvannamalai.
2. The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Jawahar, Advocate, S.R.No.49576

CRL.OP.No.18612 of 2018

VSNII(CO)
CS/26/07/18



WEB COPY