

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18859 of 2018

Gengan @ Ellappan

.. Petitioner

Vs

State rep. by
The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
(Crime No.30 of 2016)

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the District and Sessions Judge, Thiruvannamalai [Spl. Judge for SC & ST Act] to consider the surrender of the petitioner and pass appropriate orders on the bail application filed by the petitioner on the same day in connection with crime No.30 of 2016 on the file of the respondent Police.

For Petitioner : Mr.V.R.Appaswamee

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

O R D E R

The learned counsel for the petitioner submits that the petitioner has come forward with this petition seeking for a direction to the learned District and Sessions Judge, Thiruvannamalai [Spl. Judge for SC & ST Act] to consider the bail application of the petitioner on the same day on his surrender in Crime No.30 of 2016 pending on the file of the respondent.

2.The learned counsel for the petitioner also submits that the petitioner has been implicated in this case for the alleged offences under Sections 147,148,294(b),324 and 506[ii] IPC r/w Sections 3(1)(r)(s)(g) of SC/ST Act, 2013 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 takes notice for the respondent.

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 SC/ST [POA] Amendment Act that the petitioner cannot move any anticipatory bail, the learned District and Sessions Judge, Thiruvannamalai [Spl. Judge for SC & ST Act] is directed to consider the bail application, in the event of the petitioner filing such petition in Crime No.30 of 2016 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

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To

1.The District and Sessions Judge,
Thiruvannamalai [Spl. Judge for SC & ST Act]

2.The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.R.APPASWAMEE, Advocate, S.R.No. 51061

CRL.OP.No.18859 of 2018

TR(30/07/2018)

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