

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19008 of 2018

Pradeep

..
Petitioner

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Cuddalore.
Crime No.10 of 2018

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Principal District Sessions Judge, Cuddalore to accept the surrender of the petitioner and consider the bail petition on the same day in Crime No.10 of 2018.

For Petitioner : Mr.R.Thamaraiselvan
For Respondent : Mr.C.Raghavan, GA

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 Principal District Sessions Judge, Cuddalore, to consider the bail application of the petitioner on the same day on his surrender in Crime No.10 of 2018 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 417 and 376 of IPC r/w Sections 3(1)(w)(ii) of SC/ST [POA] Amendment Act, 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 takes notice for the respondent.

4.Under normal circumstances, this Court would grant usual SC/ST directions. In this case, offences under Section 417 and 376 IPC takes place in the FIR. Mr.Thamaraiselvan submitted that even according to the de facto complainant, she was in love

with the petitioner and that they had consented sex and that, the petitioner is ready to marry the de facto complainant. Since the petitioner belong to a different caste, there is opposition by his family.

5. In such view of the matter, the petitioner is directed to surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order and file an application for bail. The trial Court is directed to order notice to the de facto complainant and hear the de facto complainant and thereafter, consider the bail application filed by the petitioner.

With the above observation, this petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Principal District Sessions Judge,
Cuddalore.

2. The Inspector of Police,
All Women Police Station,
Cuddalore.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. R. Thamaraiselvan, Advocate sr.no. 51201

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nr 31/07/2018

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