

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19416 of 2018

1.Both @ Bharath

2.Surya @ Arun

.. Petitioners

Vs

The State rep. by  
The Inspector of Police,  
Gudiyatham Taluk Police Station,  
Gudiyatham, Vellore District.  
Crime No.341/2018

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,  
praying to direct the Principal District and Sessions Judge  
[Spl. Court for SC/ST Act], Vellore to consider the bail  
application to be filed by the petitioners in Crime No.341 of  
2018 on the file of Inspector of Police, Gudiyatham Taluk Police  
Station, Gudiyatham, Vellore District, on the same day.

For Petitioners : Mr.R.Krishnan

For Respondent : Mr.C.Iyyapparaj, APP

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 District and Sessions Judge,  
Spl. Court for SC/ST Act, Vellore to consider the bail  
application of the petitioners on the same day on their  
surrender in Crime No.341 of 2018 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, 294[b], 323, 324 and 506[ii] IPC r/w Section  
3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST [POA] Amendment Act,  
2015 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 Additional Public Prosecutor 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] Act that the petitioners cannot move any anticipatory bail, the learned Principal District and Sessions Judge, Spl. Court for SC/ST Act, Vellore is directed to consider the bail application, in the event of the petitioners filing such petition in Crime No.341 of 2018 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 VIII)

//True Copy//

Sub Assistant Registrar

gya

To

1.Principal District and Sessions Judge,  
Spl. Court for SC/ST Act Cases, Vellore

2.The Inspector of Police,  
Gudiyatham Taluk Police Station,  
Gudiyatham, Vellore District.

3.The Public Prosecutor,  
High Court, Madras.

+lcc to Mr.R.Krishnan, Advocate sr.no.53707

spd(co)  
nr 06/08/2018

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