

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 31.10.2018

CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
CRL.O.P.No.23355 of 2018

1.Chezhiyan
2.Prakash

.. Petitioners

Vs

State by
The Inspector of Police,
Ranipet Police Station,
Ranipet Taluk,
Vellore District.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Principal District Sessions Judge, Vellore to accept the surrender of the petitioners and consider the bail petition on the very same day in Crime No.383 of 2012 on the file of the respondent police.

For Petitioners : Ms.Arthi.S.P

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

O R D E R

The learned counsel for the petitioners submits that the petitioners have come forward with this petition seeking for a direction to the learned Principal District Judge, Vellore to consider the bail application filed by the petitioners on the same day in Crime No.383 of 2012 on the file of the respondent police.

2.The learned counsel for the petitioners also submits that the petitioners have been implicated in this case for the alleged offences under Sections 147, 148, 307, 341 and 506 [ii] of IPC r/w Section 3(1)(x) of SC/ST [POA] Amendment Act, 2015 and charge sheet has been filed against A1 to A15. 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.This Court on 10.10.2018, has passed the following order:

"2.On instructions, the learned Government Advocate submitted that investigation in Crime No.383 of 2012 was completed by the police and Final Report was filed before the District Munsif-

cum-Judicial Magistrate, Ranipet on 31.05.2013, but whereas, the same has not been taken on file.

3. Therefore, Registry is directed to call for a report from the learned District Munsif-cum-Judicial Magistrate, Ranipet, as to the reasons for not taking on file the Final Report in Crime No.383 of 2012.

4. The learned Chief Judicial Magistrate, Vellore District is directed to enquire into this and also send report to this Court. Report shall reach before this Court on 31.10.2018.?

4. Pursuant to the above order, the Principal District Judge, Vellore has sent a detailed report dated 24.10.2018, wherein she has stated that the police had filed a defective charge sheet before the District Munsif-Cum-Judicial Magistrate, Ranipet and the same was returned. She also submitted that pursuant to the amendment of the SC/ST Act, the charge sheet was filed before the Principal District Court, Vellore with defects and therefore, the same could not be taken on file.

5. Today Mr.K.V.Kalai Selvam, Deputy Superintendent of Police attached to Ranipet Police Station, is present before this Court.

6. On instructions, Mr.C.Raghavan, learned Government Advocate submitted that the charge sheet has been re-presented before the Principal District Judge, Vellore and the same has been numbered as a Special S.C.No.61 of 2018. The learned Government Advocate also submitted that in the charge sheet, these petitioners have been shown as absconding accused.

7. 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 petitioners cannot move any anticipatory bail, the learned Principal District Sessions Judge, Vellore is directed to consider the bail application, in the event of the petitioners filing such petition in Crime No.383 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 VIII)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The Inspector of Police,
Ranipet Police Station,
Ranipet Taluk,
Vellore District.

2.The Principal District Sessions Judge,
Vellore.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.23355 of 2018

EV(CO)

rrs 31/10/2018



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