

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.24245 of 2018

1.Sivaraj
2.Guna @ Gunasekaran
3.Janagiraman
4.Mahendran
5.Saranraj
6.Pugezhenthi

.. Petitioners/Accused

Vs

State rep. by its
Inspector of Police,
Arakandanallur Police Station,
Villupuram.

.. Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST [POA] Act, Villupuram [FAC] to consider the bail application on the same day of the petitioner in connection with Crime No.870 of 2018 on the file of the respondent Police.

For Petitioners : Mr.D.Padmanabhan

For Respondent : Mrs.M.Prabhavathi, APP

O R D E R

The learned counsel for the petitioners submitted that the petitioners have come forward with this petition seeking a direction to the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST [POA] Act, Villupuram [FAC] to consider the bail application of the petitioners on the same day on their surrender in Crime No.870 of 2018 pending on the file of the respondent.

2.The learned counsel for the petitioners further submitted that the petitioners have been implicated in this case for the alleged offences under Sections 147, 447, 427, 294(b) and 506(ii) IPC r/w Section 3(1)(r) and 3(1)(s) and 3(2)(v-a) 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.The learned counsel for the petitioners submitted that Guna @ Gunasekaran/2nd petitioner has been arrested. Therefore, this petition is dismissed as regards the 2nd petitioner.

5.It appears that the petitioners have damaged the gate that was put by the owner of the de facto complainant.

6.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 Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST [POA] Act, Villupuram [FAC] is directed to consider the bail application, in the event of the petitioners No.1 and 3 to 6 filing such petition in Crime No.870 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.

7.However, in the event of the Special Court granting bail to the petitioners No.1 and 3 to 6, each of the said petitioners shall deposit Rs.12,500/- (Rupees Twelve Thousand Five Hundred only) without prejudice to their defence and on such deposit, the same shall be disbursed to Moorthy as ad-interim compensation.

With the above direction, this petition is disposed of, as regards petitioners No.1 and 3 to 6.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.Sessions Judge,
Special Court for SC/ST Act,
Villupuram [FAC].

2.Inspector of Police,
Arakandanallur Police Station,
Villupuram.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Padmanabhan, Advocate sr.no.71214

CRL.OP.No.24245 of 2018

nr 16/10/2018



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