

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.24619 of 2018

Rathinasami

.. Petitioner/Accused 1

Vs

State, rep. by the Inspector of Police,
All Women Police Station,
Nannilam,
Tiruvarur District.

.. Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st Additional District Judge, Thanjavur, for SC/ST Act cases to consider the bail application of the petitioner on the same day on merits in the event of his surrender in connection with Crime No.10 of 2018 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Ms.P.Kritika Kamal
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to direct the learned 1st Additional District Judge, Thanjavur, to consider the bail application of the petitioner on the same day on merits in the event of his surrender in connection with Crime No.10 of 2018 pending investigation on the file of the respondent police.

2. The learned counsel for the petitioner submits that the petitioner has been implicated in this case for the alleged offences under Sections 417, 493, 3(1)(s), 3(1)(w)(ii) and 3(2)(v-a) of the Scheduled Caste and the Scheduled Tribes [Prevention of Atrocities] Amendment Act, 2015, and 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 above prayer.

3. The learned Government Advocate (Crl. Side) takes notice for the respondent police.

4. Considering the submissions of both sides and also considering the nature of the prayer in this case, and in view

of the amendments made in the Scheduled Caste and the Scheduled Tribes [Prevention of Atrocities] Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, 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 on such surrender, the learned 1st Additional District Judge, Thanjavur, shall consider the bail application, in the event of the petitioner filing such application, on the same day, on merits and in accordance with law, after issuing notice to the victims under Section 15(A) of the SC/ST Act.

5. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The I Additional District Judge, (for Sc/ST Act cases)
Thanjavur.
- 2.The Inspector of Police,
All Women Police Station,
Nannilam,
Tiruvarur District.
- 3.The Public Prosecutor
High Court, Madras

+1cc to Mr.T.Muruganantham, Advocate SR.NO.71601

sm:17.10.2018

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