

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10946 of 2019

1.Hussain Mohammed
2.Navaskhan

... Petitioner

Vs.

State through
The Sub-Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District.
(Crime No.281 of 2018)

... Respondent

PRAYER:

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the Hon'ble District and Sessions Judge cum Special Judge for cases under SC/ST Act, Nagapattinam to accept the surrender and consider the bail application to be filed by the petitioners on the same day in Crime No.281 of 2018 pending investigation on the file of the respondent on the same day of his surrender.

For Petitioner : Mr.R.Ganesh Kumar

For Respondent : Mr.C.Raghavan
Govt.Advocate (Cr1. Side)

O R D E R

This petition is filed for a direction to the Hon'ble District and Sessions Judge cum Special Judge for cases under SC/ST Act, Nagapattinam to consider and dispose of the bail application of the petitioner on merits in connection with the case in Crime No.281 of 2018 on the file of the Sub-Inspector of Police, Sembanarkoil Police Station, Nagapattinam District, on the same date of his surrender.

2. In view of the specific bar under Section 18 of the Scheduled and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration of the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the Hon'ble District and Sessions Judge cum Special Judge for cases under SC/ST Act,

Nagapattinam to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.281 of 2018 and pass appropriate orders in accordance with law after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. The petitioners shall surrender before the concerned jurisdictional Court within a period of fifteen days from the date of the receipt of a copy of this Order.

3.In view of the above, the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsn/mpa

To

1. The Sub-Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District.
2. The Public Prosecutor,
High Court, Madras.'
3. The District and Sessions Judge,
cum Special Judge for cases
under SC/ST Act, Nagapattinam

+1cc to Mr.R.Ganesh Kumar, Advocate, S.R.No.40332

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NR(CO)
CS/27/04/2019
nr 29/04/2019

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