

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.09.2019
CORAM
THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA
Crl.O.P.No.23873 of 2019

1. K.Balakrishnan
2. B.Periyasamy

...Petitioners

Vs

State represented by
Inspector of Police,
V.Kalathur Police Station,
Perambalur District,
Perambalur.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to permit the petitioners to serve the copy of the bail application to the de-facto complainant through the Special Public Prosecutor three days prior to surrender before the Addl. Sessions Judge, Special Judge for Prevention of Atrocities of SC ST Act, Perambalur and to consider the bail application in the event of petitioners filing the bail application in Crime No.133/2019 on the file of the Inspector of Police, V.Kalathur Police Station, Perambalur, and dispose the same on merits and in accordance with law on the same day.

For Petitioners: Mr.V.R.Mukunda Kumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

सत्यमेव जयते

This Criminal Original petition has been filed to permit the petitioners to serve the copy of the bail application to the de-facto complainant through the Special Public Prosecutor three days prior to surrender before the Addl. Sessions Judge, Special Judge for Prevention of Atrocities of SC ST Act, Perambalur and to consider the bail application in the event of petitioners filing the bail application in Crime No.133/2019 on the file of the Inspector of Police, V.Kalathur Police Station, Perambalur, and dispose the same on merits and in accordance with law on the same day, since the offence is pertaining to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. In view of the amendments made in the Scheduled Castes and 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 petitioners are 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 Additional Sessions Judge, Special Judge for Prevention of Atrocities of SC ST Act, Perambalur, shall deal and dispose the matter on the same day on merits and in accordance with law.

3. In due compliance of Section 15-A of the SC/ST Act, the petitioners shall serve advance notice of surrender and bail two clear days before the intended date of surrender enclosing additional copies on the Special Public Prosecutor of the concerned Court and the Special Public Prosecutor shall intimate it to the defacto complainant through the respondent police.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk/jrs

To

1. The Additional Sessions Judge,
Special Judge for Prevention of Atrocities of SC ST Act,
Perambalur
2. Inspector of Police, सतयमेव जयते
V.Kalathur Police Station,
Perambalur District,
Perambalur.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.R.Mukunda Kumar, Advocate sr.76709

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svi(co)
nr 03/10/2019