

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2020

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CRL.O.P.No.7424 of 2020

1. Saraswathi F/A 33
W/o Ravi

2. Ravi M/A 40
S/o Ponnusamy

...Petitioners/A1 & A2

-Vs-

1. The Deputy Superintendent of Police
Rasipuram Sub-Division
Rasipuram, Namakkal District.

2. Inspector of Police
Ayilpatti Police Station,
Ayilpatti, Namakkal District.
(Crime No.127 of 2020)

...Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Special Court for Trial of Cases under SC/ST (PoA) Act, Namakkal, to accept the Surrender of the Petitioners and consider their bail application on the same day and pass orders on merits in the Ayilpatti Police Station Cr.No.127 of 2020 U/s.294(b), 323, 355 of I.P.C.and Under Section 3(1)(s) and 3(2) (va) of S.C./S.T. (Prevention of Attrocities) Act, 1989, pending investigation on the file of 2nd Respondent.

For Petitioner : Mr.B. Jawahar

For Respondent : Mrs. Kiruthiga Kamal
Government Advocate

O R D E R

This petition is filed for a direction to the Special Court for Trial of Cases under SC/ST (PoA) Act, Namakkal, to accept the Surrender of the Petitioners and consider their bail

application on the same day and pass orders on merits in the Ayilpatti Police Station Cr.No.127 of 2020 U/s.294(b), 323, 355 of I.P.C.and Under Section 3(1)(s) and 3(2) (va) of S.C./S.T. (Prevention of Atrocities) Act, 1989, pending investigation on the file of 2nd Respondent, since the offences are pertaining to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. In view of the specific bar under Section 18 of the Scheduled Castes 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 and also taking note of the fact that huge delay and case in counter also registered and the entire occurrence emanated from the petty quarrel while taking drinking water in the public tap situated in the street, this court is of the view that this is a fit case to direct the trial court to consider the bail application filed by the Petitioners on their surrender and pass order on the same day on merits. It is also made clear that before filing of the application before the trial Court, notice shall be sent to the Public Prosecutor and defacto complainant and the Court can dispose of the bail application once the notice has been sent intimating the date of surrender and bail application irrespective of the fact whether the reply has been given by the Public Prosecutor or the Defacto Complainant on the particular date.

3. Accordingly, learned Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Namakkal, shall consider the petitioners' bail application filed along with proof of notice sent to the Public Prosecutor and the Defeacto Complainant, on the same day of their surrender in connection with Ayilpatti P.S.Cr.No.127 of 2020 and pass appropriate orders in accordance with law.

4. With the above observations, the Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ggs

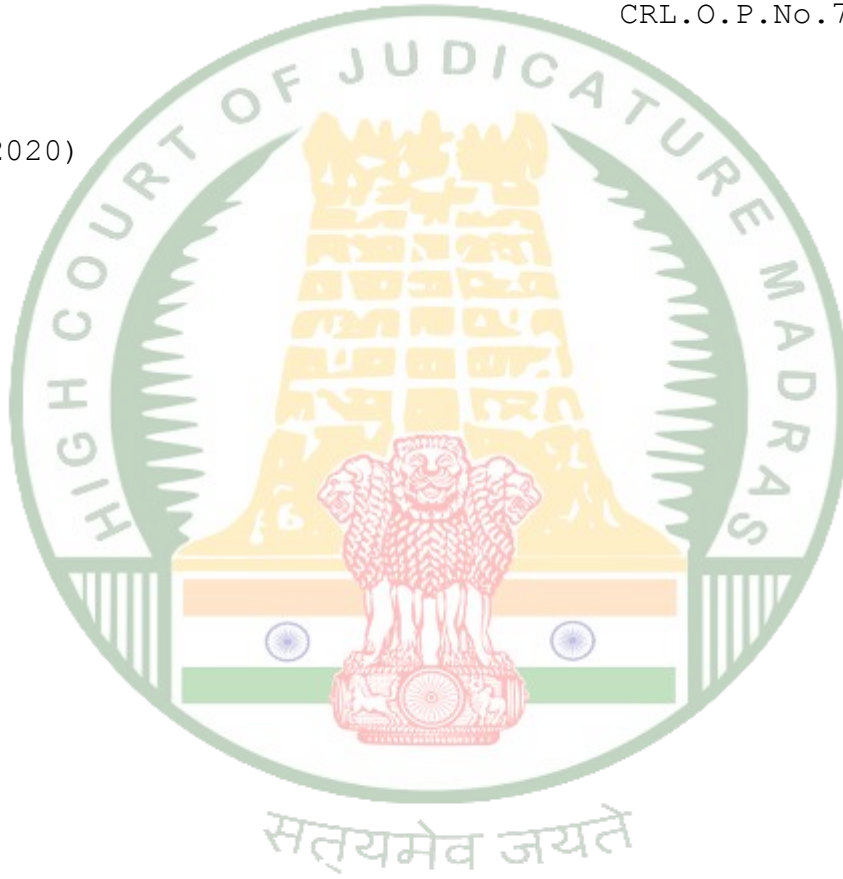
To

1. The District Judge,
Special Court for Trial of Cases under
SC/ST (PoA) Act, Namakkal,

2. The Deputy Superintendent of Police
Rasipuram Sub-Division
Rasipuram, Namakkal District.
3. Inspector of Police
Ayilpatti Police Station,
Ayilpatti, Namakkal District.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.7424 of 2020

KJ(CO)
GN(22/07/2020)



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