

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.05.2020

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.7935 of 2020

Kubenthiran

.. Petitioner

/versus/

The State Rep. by its
The Inspector of Police
Omalur Police Station
Salem District
(Cr. No.886 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to direct the District and Sessions Court, Salem (Special Judge for SC & ST Act) to consider the petitioner's surrender and pass appropriate orders on the bail application filed by the petitioner on the same day itself in connection with the Crime No.886 of 2020 on the file of Omalur Police Station, Salem District.

For petitioner : Mr.T.Ganesan

For Respondent : Mr.K.Prabhakar

Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

This petition is filed for a direction to direct the District and Sessions Court, Salem (Special Judge for SC & ST Act) to consider the petitioner's surrender and pass appropriate orders on the bail application filed by the petitioner on the same day itself in connection with the Crime No.886 of 2020 on the file of Omalur Police Station, Salem District.

2.When the matter is taken up today for hearing, the learned Additional Public Prosecutor submitted that petitioner is wanted by the respondent police in connection with Crime No.886 of 2020, registered by the respondent for the offences under Section 147, 148, 294(b), 324, 341, 307, 506(ii), 302 IPC and u/s.3(1)(r), 3(1)(s), 3(2)(v) of SC and ST (Prevention of

Atrocities) Amendment Act 2015. He would further submit that the above case has been registered for the serious offence of murder and he would thereby oppose the petition.

3.Per contra, the learned counsel for the petitioner would submit that the name of the petitioner does not find place in the FIR and he would further submit that the trial Court may take into consideration the merits of the case and pass orders in accordance with law and that he is only seeking for orders to be passed on the same day of surrender.

4.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 the innocent persons, there shall be a direction the District and Sessions Court, Salem (Special Judge for SC & ST Act), to consider the petitioner's bail application, preferably on the same day of their surrender in connection with Crime No.886 of 2020 on the file of the respondent police 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 petitioner 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. Notice to the defacto complainant / victim to be served three days prior to the date of surrender/hearing of bail application.

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

Sd/-
Assistant Registrar(CS-III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Inspector of Police
Omalar Police Station
Salem District
(Cr. No.886 of 2020)

2.The Public Prosecutor
High Court of Madras
Chennai 600 104

Cr1.O.P.7935 of 2020

JP(CO)
RMP(17/08/2020)