

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.05.2020

CORAM:

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

CrI.O.P.No.7937 of 2020

Veerappan

.. Petitioner/Accused No.8

/versus/

The State Rep. by its
1.Superintendent of Police
Kolathur Police Station
Salem District

2.The Inspector of Police
Kolathur Police Station
Salem District
(Crime No.49 of 2020)

.. Respondents/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to direct the learned Principal Session Cum District Judge (Special Court for Exclusive Trial of cases registered under the SC / ST Prevention of Atrocities Act 1989 r/w New Amendment Act 2015 at Salem to accept the surrender of the petitioner herein connected in Crime No.49 of 2020 on the file of the 2nd respondent police, Salem and consider the bail petition on the same day itself.

For petitioner : Mr.Karan

For Respondents : Mr.K.Prabhakar

Addl. Public Prosecutor

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O R D E R

(The case has been heard through video conference)

This petition is filed for a direction to direct the learned Principal Session Cum District Judge (Special Court for Exclusive Trial of cases registered under the SC / ST Prevention of Atrocities Act 1989 r/w New Amendment Act 2015 at Salem to accept the surrender of the petitioner herein connected in Crime No.49 of 2020 on the file of the 2nd respondent police, Salem and consider the bail petition on the same day itself.

2. When the matter is taken for hearing, the learned Additional Public Prosecutor would seriously oppose stating that apart from the present case registered in Crime No.49 of 2020 under various provisions of SC/ST Act and for kidnapping, the petitioner is also involved in other cases registered in Crime No.48 of 2020 for kidnapping one Easwaran. He would further submit that the petitioner is a habitual offender involved in several other cases registered by the respondent police.

3. Per contra, the learned counsel for the petitioner would submit that the petitioner is only seeking for consideration of his bail application on merits on the same day of his 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 learned Principal Session Cum District Judge (Special Court for Exclusive Trial of cases registered under the SC / ST Prevention of Atrocities Act 1989 r/w New Amendment Act 2015 at Salem, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.49 of 2020 on the file of the respondent police and pass appropriate orders in accordance with law after affording due opportunity to the victims 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. Notice to the defacto complainant / victim shall be served three days prior to the date of surrender / hearing of the bail application.

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

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

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To

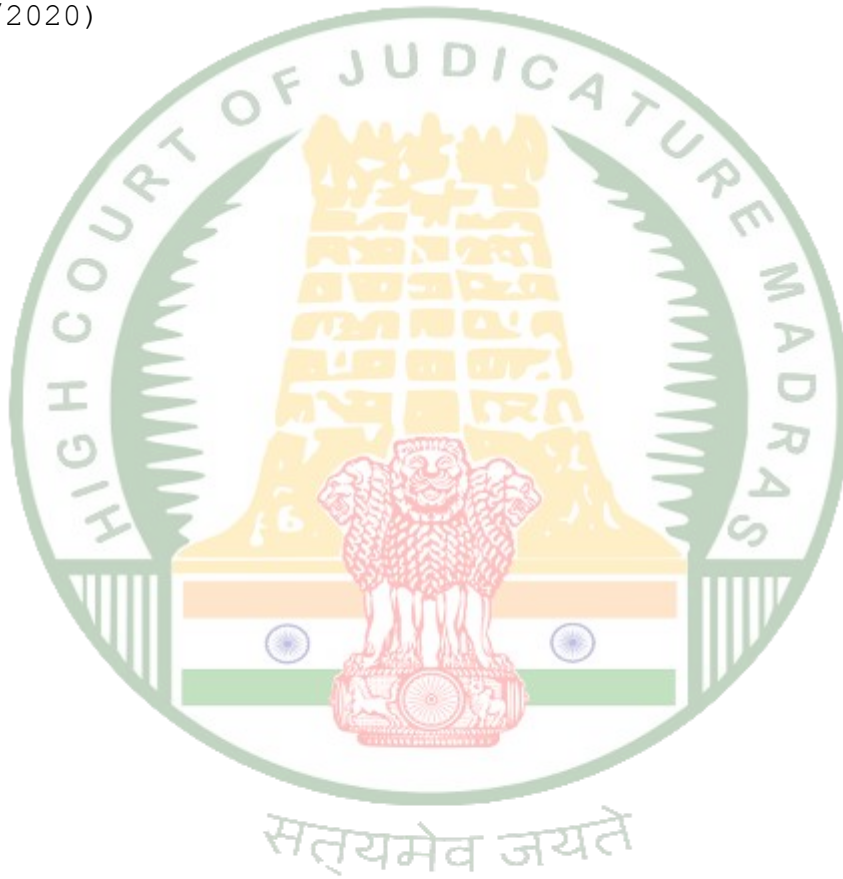
1. Superintendent of Police
Kolathur Police Station
Salem District

2.The Inspector of Police
Kolathur Police Station
Salem District
(Crime No.49 of 2020)

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

Cr1.O.P.7937 of 2020

KJ(CO)
GMY(10/06/2020)



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