



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.11877 OF 2021

1.Palanivel
2.Venkatachalam
3.Balraj

... Petitioners

Versus

State rep by the Station House Officer,
Thirukanur Police Station,
Thirukanur, Puducherry-605 501.
Crime No.88 of 2021

... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the learned II Additional District Sessions Judge, Puducherry to consider the bail application of the petitioners on the very same day in Crime No.88 of 2021 pending on the file of the respondent Police.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.D.Bharatha Chakravarthy,
Public Prosecutor (Puducherry)

ORDER

This Criminal Original Petition has been filed to direct the learned II Additional District Sessions Judge, Puducherry to consider the bail application of the petitioners in Crime No.88 of 2021 on the file of the respondent Police on the same day when they surrender before the said Court.

2.During investigation, the respondent Police registered a case in Crime No.88 of 2021 against the petitioners and two others for offence under Section 363 IPC. Based on the statement of the victim, the offence under Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was also attracted against the petitioners in this case. Hence, the respondent Police altered Section 363 IPC @ 363, 342, 323, 324 IPC r/w 34 IPC and Section 3(i)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act by way of alteration report.

3. In view of the amendments made in the Scheduled Castes and the 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 learned II Additional District Sessions Judge, Puducherry within a period of two weeks from the date of receipt of a copy of this order, of course after commencement of normal functioning of the Court, which ever is later and on such surrender, the learned II Additional District Sessions Judge, Puducherry, shall deal with the matter on the same day on merits and in accordance with law, after issuing notice to the victim under Section 15-A (3) of the SC/ST Act.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The II Additional District Sessions Judge,
Puducherry.
2. The Station House Officer,
Thirukanur Police Station,
Thirukanur, Puducherry-605 501.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Suresh Babu, Advocate, S.R.No.35851

CRL.O.P.No.11877 of 2021

AJS (CO)
CS/11/08/2021