



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.12385 of 2021

1. S.Amuthamani
2. Subramani
3. Arun Prasanth
- 4.

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
(Crime No.1399/2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned District and Sessions Judge, Tiruppur to admit their surrender application and consider their bail application on the same day on merits in respect of Crime No.1399 of 2021 on the file of the respondent police herein.

For Petitioners : Mr.Joshua Raja

For Respondent : Mr.A.Damodaran
Counsel for Govt. of Tamilnadu

ORDER

This criminal original petition has been filed seeking to direct the learned Principal District and Sessions Judge, Tiruppur, to admit their surrender application and consider their bail application on the same day on merits in respect of Crime No.1399 of 2021 on the file of the respondent police.

2 Heard the learned counsel for the petitioner and the learned counsel for Government of Tamilnadu appearing on behalf of the respondent.

3 It is seen that the petitioners were charged for the offences under Sections 294(b), 323, 506(i) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002, r/w Section 3(1)(r), 3(1)(e), 3(1)(s) & 3(2)(va) of Schedule Case and Schedule Tribes (Prevention of Atrocities) Act, in Crime No.1399 of 2021. It is stated that originally the



petitioners have filed complaint, which was registered in FIR No.1398 of 2021 against the complainant in the present case, which was filed as counter complaint and hence they are restrained from moving an application for Anticipatory Bail before the appropriate Court. Now, the petitioners sought direction to the learned Principal District and Sessions Judge, Tiruppur, to admit their surrender application and consider their bail application on the same day.

4 It is to be noted that there is clear bar Section 18 of the SC/ST Act to move Anticipatory Bail for the offence under SC/ST Act and hence in order to escape from arrest of police, the petitioners have approached this Court and seeking the above prayer. Further, as per Section 15(A) of the SC/ST Act, before deciding the petition seeking bail, the victim should be heard by giving sufficient opportunity and after following procedures contemplated under the Act only, bail can be granted.

5 This Court is of the considered view that invoking Section 482 of Cr.P.C. by the petitioners for the prayer sought for in this petition cannot be granted. It is for the petitioners to move application seeking bail after surrender and the same will be decided in accordance with law by the Court below concerned adopting/following the procedures contemplated under the SC/ST Act. This Court cannot pressurize the Court below to consider the bail application on the same day itself as prayed for by the petitioners by deviating the statutory provisions. This Court and the Hon'ble Supreme Court time and again reiterating that power under Section 482 of Cr.P.C. should be sparingly exercised and also very limitedly.

6 With the above observations, this criminal original petition stands dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police, Palladam Police Station, Tiruppur District.
2. The Public Prosecutor, High Court of Madras.



3. The District and Sessions Judge,
Tiruppur.

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