



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.O.P.No.12509 of 2021

1.R.Prasath @ Prasanth
2.P.Ganesan
3.P.Selvaraj
4.R.Kalaiselvan

... Petitioners/Accused 9 to 12

Versus

State Rep.by
The Inspector of Police,
Arumbavoor Police Station,
Perambalur District,
Crime No.439 of 2021.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the District and Sessions Judge, Perambalur to consider the bail application of the petitioners on the same day in the event of their surrender and to dispose the same in accordance with law in Crime No.439 of 2021 on the file of the respondent police pending investigation.

For Petitioners : Ms.T.Dharani

For Respondent : Mr.A.Damodaran
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking a direction, to direct the learned District and Sessions Judge, Perambalur to consider the bail application of the petitioners on the same day in the event of their surrender and to dispose of the same in accordance with law in respect of Crime No.439 of 2021 on the file of the respondent police.

2. The case of the prosecution is that on 04.07.2021, the de facto complainant and others were involved in fishing in the Arumbavur Lake, the petitioners objected the same and also burnt the two wheelers, which were belonged to the de facto complainant and others.



3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

4. It is seen that the petitioners were charged for the offences under Sections 147, 435 of IPC r/w 3(1)(iii) and 3(2) (Va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act [hereafter referred to as 'SC/ST Act' for the sake of convenience] in Crime No.439 of 2021 and now the present petition has been filed seeking direction to the learned District and Sessions Judge, Perambalur to consider the bail application of the petitioners, in the event of their surrender.

5.It is to be noted that as per Section 15(A) of 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.

6.This Court is of the considered view that by invoking Section 482 of Cr.P.C. 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 concerned Court below adopting/following the procedures contemplated under 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 has reiterated that power under Section 482 of Cr.P.C. should be sparingly exercised and also very limitedly.

7. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

ms

To

1. The District and Sessions Judge,
Perambalur.



2. The Inspector of Police,
Arumbavoor Police Station,
Perambalur District.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.12509 of 2021

SSD(CO)
CT(11/08/2021)