



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.12486 of 2021

1.Pugazhendhi
2.Gowthami

... Petitioners

Versus

The State Represented by
The Sub-Inspector of Police,
Bahour Police Station,
Bahour, Puducherry,
Crime No.0021 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Additional District Judge-II, Puducherry to consider the bail application that may be preferred by the petitioners in Crime No.21 of 2020 dated 26.02.2020 on the file of the respondent police namely the Sub Inspector of Police, Bahour Police Station, Bahour, Puducherry on the same day of petitioners surrender.

For Petitioners: Mr.C.Rajasekharan
For Respondent: Mr.D.Bharatha Chakravarthy
Public Prosecutor (Pondicherry)

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the learned II Additional District Judge, Puducherry to consider the petitioners' bail application in Crime No.21 of 2020 pending on the file of the respondent police on the date of their surrender.

2.Heard the learned counsel for the petitioners and the learned Public Prosecutor (Pondicherry) for the respondent.

3. It is seen that the petitioners, who were arrayed as A1 and A2 charged for the offences under Sections 294(b) and 323 IPC and Section 7(1) (d) of the Protection of Civil Rights Act, 1955 and now the present petition has been filed seeking a direction to the learned II Additional District Judge, Puducherry to consider the bail application of the petitioners, in the event of their surrender.



4. It is to be noted that there is a clear bar under Section 18 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act [hereafter referred to as 'SC/ST Act' for the sake of convenience] 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 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.

6. Accordingly, this Criminal Original Petition stands dismissed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

To

1. The II Additional District Judge
Puducherry

2. The Sub-Inspector of Police,
Bahour Police Station,
Bahour, Puducherry.

3. The Public Prosecutor,
Pudhucherry.

CRL.O.P.No.12486 of 2021

JPL (CO)
SP(13/08/2021)