



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.21443 OF 2021

P.Raja

..Petitioner

Versus

1. The Deputy Superintendent of Police,
Kallakurichi Sub Division,
Kallakurichi.
2. The State
Represented by the Station House Officer,
Kallakurichi All Women Police Station,
Kallakurichi.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the docket order of the Principal Sessions Court, Villupuram [Special Court for trial of cases registered under the S.C.& S.T. (prevention of atrocities) Act, 1989] returning the petitioner's unnumbered application seeking mandatory/default bail under Section 167(2) of Cr.P.C. and further direct the said court to entertain the said application.

For Petitioner : Mr.K.Selvakumaraswami
for Mr.S.B.Viswanathan

For Respondents : Mr.R.Vinothraja
Government Advocate(crl.side)

O R D E R

This petition has been filed by the petitioner/accused to set aside the docket order of the Principal Sessions Court, Villupuram [Special Court for trial of cases registered under the S.C.& S.T. (prevention of atrocities) Act, 1989] returning the petitioner's application in Crl.M.P.S.R.No.1695 of 2021



seeking mandatory/default bail under Section 167(2) of Cr.P.C and direct the said Court to entertain the said application.

2. The petitioner who is an accused in Cr.No.15 of 2021 was arrested and remanded to Judicial Custody on 19.07.2021. Thereafter, the petitioner filed a petition for bail under Section 167 (2) of Cr.P.C. before the Principal Sessions Judge, Villupuram [Special Court for Exclusive trial of cases registered under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989]. The Lower Court vide order dated 22.10.2021 observed that chargesheet/ final report has been filed within 71 days and has been pending for acknowledgment by the investigating agency for furnishing final report to the defacto complainant and since in the FIR six accused have been named and only against two accused final report has been filed and hence there is no question of investigation pending or returning of final report and hence this application is returned as not maintainable. Challenging the same, the present Criminal Original Petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the since there was some defect in the charge sheet, the same came to be returned and Lower Court having stated that the Charge Sheet/Final Report is pending, indirectly admitted that it has not taken the Charge Sheet /Final Report on file within the time stipulated in law and therefore the petitioner is entitled for mandatory bail.

4. The learned Government Advocate (Crl.side) submitted that no such address has been made and the same was kept pending for the reason that notice to be served to the de-facto complainant.

5. This Court has no reason to doubt the observations made by the Lower Court and therefore this petition is liable to be dismissed.

6. The learned counsel for the petitioner submitted that the observation made in this petition might affect his bail application on merits.

7. It is made clear that the bail application shall be decided independently without being influenced by the order of this Court.



WEB COPY

8. With the above observations, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Deputy Superintendent of Police,
Kallakurichi Sub Division,
Kallakurichi.
2. The Station House Officer,
Kallakurichi All Women Police Station,
Kallakurichi.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.21443 of 2021

KG(CO)
RLP(14/12/2021)