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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

CRL.O.P. (MD) No.10746 of 2015

1. Kannan
2. Murugesan

... Petitioners/Accused No.3 & 4

Vs.

1. The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

2. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.317 of 2015).

... Respondents/Complainants

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sivagangai, to accept the surrender of the Petitioners/Accused and consider the petitioner's bail application and grant bail on the date of surrender itself in Crime No.317 of 2015 on the file of respondent No.2 police.

For Petitioner : Mr.D.Balamurugapandi
For Respondents : Mr.P.Kannithevan
Government Advocate, (Crl. Side)

ORDER

The petitioners seek a direction to the learned District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989), Sivagangai to release the petitioners on bail, on the same day in the event of their surrender and filing bail application in Cr.No.317 of 2015 pending investigation on the file of the second respondent police.

2.The petitioners are accused for offences punishable under Sections 294(b), 323 of IPC and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2014.

3. The submissions made by Mr.D.Balamurugapandi, learned counsel for the petitioners and by Mr.P.Kannithevan, learned Government Advocate (Crl. Side) representing the respondent were heard. The materials available on record were also perused carefully.

4. Considering the nature of offences alleged against the petitioners, the fact that anticipatory bail cannot be granted in cases punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2014, and that taking into custody of the petitioners pending consideration of their bail



application could cause them irreparable hardship, this Court considers it appropriate to direct the learned District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989), Sivagangai to consider the bail application of the petitioners on merits and pass appropriate order on the same day of their surrender.

5. The petition is ordered accordingly.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The District and Sessions Judge
Special Court for Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989,
Sivagangai.
2. The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
3. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.Balamurugapandi,Advocate SR.No.30910

CRL.O.P. (MD) No.10746 of 2015
16.06.2015

PJL/RR

PA/PPS/18.06.2015/2P/6C