



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P.(MD).No.10018 of 2016

1.Kamu
2.Selvam
3.Nagamani
4.Velmurugan

.. Petitioners

Vs.

The State rep. by its
The Inspector of Police,
AWPS Samayanallur Police Station,
Madurai District
in Crime No.26/2016

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned Third Additional Sessions Judge(Special Court for PCR Cases)Court Madurai to accept the surrender of the petitioners and consider the bail application on the same day in connection with Crime No.26 of 2016 on the file of the respondent police.

For Petitioners : Mr.R.Murugan
For respondents : Mr.A.P.Balasubramani
Government Advocate(Criminal side)

ORDER

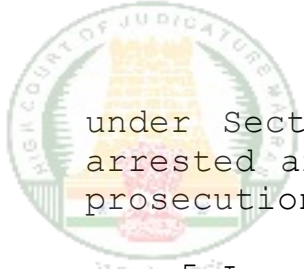
This application has been filed seeking a direction to the Court, which is dealing with the SC/ST Act cases to consider the bail application on the day of surrender itself.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondents.

3.The petitioners are arrayed as accused Nos.2 to 5 in Crime No.26/2016 in respect of the offences under Sections 417, 376, 506 (i) IPC and r/w 3 (1)(xii) of SC/ST (POA) Act and that in view of the specific bar under Section 18 of the said Act, the petitioners cannot move any anticipatory bail application and therefore, the petitioners have come forward with the said prayer.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned counsel for the petitioners would submit that the main offender is only the 1st accused against whom, the offence



under Section 376 IPC has been alleged and he has already been arrested and released on bail, which has not been disputed by the prosecution.

5.Learned Government Advocate (Crl. Side) takes notice for the respondent and submits, on instructions, that investigation is almost completed.

6.Considering the submissions of both sides and also considering the nature of the prayer in this case in view of the specific bar under Section 18 of the S.C. & S.T. (Prevention of Atrocities) Act that the petitioners cannot move any anticipatory bail, the Third Additional Sessions Judge(Special Court for PCR Cases)Court Madurai, is directed to accept the surrender of the petitioners and consider their bail application, in the event of the petitioners filing such petition in Crime No.26/2016 on the file of the respondent police and dispose of the same on merits and in accordance with law on the same day.

With this observation, this petition is disposed of accordingly.

Sd/
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Third Additional Sessions Judge
(Special Court for PCR Cases)Court Madurai
- 2.The Inspector of Police,
AWPS Samayanallur Police Station,
Madurai District
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.R.Murugan, Advocate, SR.No.42667

Crl.O.P (MD)No.10018 of 2016
08.08.2016

RR

AM/GSV.PM/SAR-I/09.08.2016/2P/5C (IT)