



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Cr1.O.P.(MD).No.10088 of 2016

1.Esakkiraj
2.Kumar @ Udhayakumar
3.Pandi

.. Petitioners

Vs.

State rep. by
the Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.
(Crime No.109 of 2016)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Special Judge for SC/ST (Prevention of Atrocities) Act - cum - II Additional District and Sessions Judge (PCR Unit) Tirunelveli to consider the bail application filed by the petitioners herein and pass orders on the same day if the petitioners surrender before the said court in connection with the case in CR.No.109 of 2016 on the file of the respondents.

For Petitioners : Mr.M.Solaisamy

For Respondent : Mr.K.V.Rajarajan,
Government Advocate
(Criminal side)

ORDER

It is an application seeking a direction to the Special Judge for SC/ST (Prevention of Atrocities) Act - cum - II Additional District and Sessions Judge (PCR Unit), Tirunelveli to consider the bail application of the petitioners on the same day of their surrender in Crime No.109 of 2016.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Cr1.side) for the respondent.

3.The sum and substance of the complaint against the petitioners/A1 to A3 is that the second petitioner is the lease holder of a pond. At the time when the defacto complainant and others went to the said pond for taking bath, the petitioners asked them to move from the pond. When the defacto complainant refused, the petitioner scolded her with filthy language by using caste name. The said complaint has been



registered in Crime No.109 of 2016 for the alleged offences under Sections 294(b), 323, 355 and 506(ii) IPC r/w Section 4 of Women Harassment Act and 3(i)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Amendment Ordinance Act, 2014.

4.It is represented by the learned counsel for the petitioner that there is only wordy quarrel between the petitioners and defacto complainant and even though the case has been registered under Section 323 IPC, no one has sustained injury. The learned counsel has also represented that in view of the specific bar under Section 18 of the said Act, the petitioner cannot move any anticipatory bail application and therefore, the petitioners have come up with this petition.

5.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that nobody has sustained injury at the time of occurrence.

6.Having regard to the facts and circumstances of the case, the petitioners are directed to surrender before the Court concerned within ten days from the date of receipt of a copy of this order and file a bail application. The Court concerned is directed to accept the surrender of the petitioners in Crime No.109 of 2016 and consider their bail application and dispose of the same on merits and in accordance with law, on the same day of their surrender.

7.With the above direction, this petition is disposed of.

Sd/

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

1.The Special Judge for SC/ST (Prevention of Atrocities) -
cum - II Additional District and Sessions Judge (PCR Unit),
Tirunelveli.

2.The Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.M.Solaisamy, Advocate, SR.No. 34958

Crl.O.P(MD)No.10088 of 2016
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