



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.10884 of 2016

1. Karthick
2. Hariharan
3. Gobi
4. Kannan
5. Saravanan

... Petitioners/A3,A4,A8, A11 & A12

-vs-

State represented by
The Inspector of Police,
Chinnakovilankulam Police Station,
Tirunelveli District.
(Crime No.82/2016)

... Respondent

Prayer : Criminal original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned II Additional District Sessions Judge-cum-P.C.R. Court, Tirunelveli to consider the petitioners' bail application and dispose of the same on the same day, if the petitioners surrender before the learned II Additional District Sessions Judge-cum-P.C.R. Court, Tirunelveli in Crime No.82 of 2016 on the file of the respondent.

For Petitioners : Mr.R.J.Karthick

For Respondent : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed, seeking to direct the learned II Additional District Sessions Judge-cum-P.C.R. Court, Tirunelveli to consider the petitioners' bail application on the date of surrender on the same day in Crime No.82 of 2016 on the file of the respondent police.

2. Learned counsel for the petitioners submits that the petitioners have been implicated in this case for the alleged offences under Section 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) IPC r/w 3 (1)(s), 3(i)(r), 3(2)(va) of SC/ST (PoA) Amendment Act, 2015 in Crime No.82 of 2016 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.



3. Learned Government Advocate (Crl.Side) takes notice for the respondent and submits that injured sustained only simple injury and that the investigation is almost complete.

4. The allegation against the petitioners herein is that the petitioners along with other accused attacked the defacto complainant with deadly weapons and abused him in filthy language by using the caste name.

5. 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 petitioners are directed to surrender before the II Additional District Sessions Judge-cum-P.C.R. Court, Tirunelveli within ten days from the date of receipt of a copy of this order. The learned II Additional District Sessions Judge-cum-P.C.R. Court, Tirunelveli is directed to accept the surrender of the petitioners and consider their bail applications, in the event of the petitioners filing such petition in Crime No.82 of 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 (AS)

/True Copy/

Sub Assistant Registrar.

To:

1. The II Additional District Sessions Judge-cum-P.C.R. Court, Tirunelveli.
2. The Inspector of Police, Chinnakovilankulam Police Station, Tirunelveli District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.R.J.Karthik, Advocate, SR.No. 36943

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