



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.10886 of 2016

WEB COPY

1.Hariharan
2.Karunakaran
3.Thangam @ Thangadurai
4.Karuthappandi

... Petitioners/A10, A12, A13 and A15

-vs-

State rep. by
the Inspector of Police,
Chinnakovilangulam Police Station,
Tirunelveli District.
(Crime No.83/2016)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Additional District and Sessions Judge (PCR cases), Tirunelveli to consider the petitioners' bail application and dispose the bail application on the same day, if the petitioners surrender before the learned Additional District Sessions Judge cum P.C.R. Court, Tirunelveli in Crime No.83 of 2016 on the file of the respondent.

For Petitioner : 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 a direction to the learned Additional District and Sessions Judge (PCR), Tirunelveli, to consider the bail application of the petitioners on the same day of their surrender in Crime No.83 of 2016.

2.The sum and substance of the complaint is that due to previous motive, the petitioners/accused abused the defacto complainant's son in filthy language and also by his caste name and attacked him with deadly weapons. The said complaint has been registered in Crime No.83 of 2016 for the alleged offences under Sections 147, 148, 294(b), 323, 307 and 506(ii) IPC r/w Section 3(i)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 2015.

3.Learned counsel for the petitioners would submit that the petitioners have been falsely implicated in the case due to previous motive and that in view of the specific bar under Section 18 of the said Act, the petitioners cannot move any anticipatory bail application and



4. Learned Government Advocate (Crl. Side) appearing for the respondent would submit that the injured has been discharged from the hospital and the co-accused has already been released on bail.

5. 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 petitioner in Crime No.83 of 2016 and consider bail application of the petitioners and dispose of the same on merits and in accordance with law, on the same day of their surrender.

6. This Criminal Original Petition is disposed of accordingly.

Sd/

Assistant Registrar (CS-I)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The -Additional District and Sessions Judge (PCR),
Tirunelveli.
2. The Inspector of Police,
Chinnakovilangulam Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.R.J.Karthick, Advocate in SR.No.38503

Crl.O.P. (MD) No.10886 of 2016
21.07.2016

gcg

PA/SK-SKN/SAR II/22.07.2016/2P/5C (IT)