



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALACrl.O.P.(MD) No.11001 of 2016

1.Chellakannu

2.Raja @ Mydeen Raja

... Petitioners/A1 and A2

-vs-

State Rep. by
The Inspector of Police,
Taluk Police Station,
Bodinayakannur,
Theni District.
(Crime No.355/2016)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Principal District and Sessions Judge, (PCR Court), Theni, to consider the bail application of the petitioners in Crime No.355 of 2016 on the file of the Respondent Police on the same day of surrender on merits.

For petitioners : Mr.Jerin Mathew

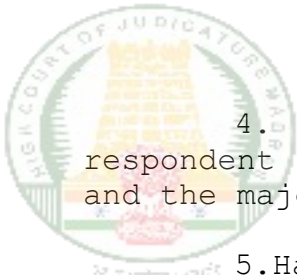
For Respondent : Mr.P.Kandasamy
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed seeking a direction to the learned Principal District and Sessions Judge (PCR Court), Theni, to consider the bail application of the petitioners on the same day of their surrender in connection with Crime No.355 of 2016.

2.The sum and substance of the complaint is that due to previous motive, the petitioners abused the defacto complainant in filthy language and also by his caste name and threatened him with dire consequences. The said complaint has been registered in Crime No.355 of 2016 for the alleged offences under Sections 294(b), 323 and 506(ii) IPC and 3(i)(r) (s) 3(2) V-a of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 2015.

3.The learned counsel for the petitioners would submit that there was a civil dispute between the defacto complainant and the petitioners herein and there was a wordy quarrel in which nobody got injured 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 up with this petition.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that no injury has been caused in the occurrence and the major part of the investigation is over.

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 petitioners in Crime No.355 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 his surrender.

6. This Criminal Original Petition is disposed of accordingly.

Sd/

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar.

To:

1. The Principal District and Sessions Judge,
(PCR Court), Theni,

2. The Inspector of Police,
Taluk Police Station,
Bodinayakannur,
Theni District.

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

+1CC to M/S.M.Jerin Mathew, Advocate, SR.No. 35217

Crl.O.P.(MD) No.11001 of 2016
06.07.2016

sj

AM/NGM.MP/SAR-I/13.07.2016/2P/5C