



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.11743 of 2016

1.O.Srithar
2.O.Naveen

... Petitioners/Not known and A32

-vs-

State rep. by
the Inspector of Police,
Kadupatti Police Station,
Madurai District.
(Crime No.13/2016)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned III-Additional District and Sessions Judge (PCR cases), Madurai, Madurai District to accept the surrender of these petitioners and consider their bail application on the same day in connection with the Crime No.13 of 2016 pending investigation on the file of the respondent.

For Petitioners : Mr.V.Arighandran
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 III-Additional District and Sessions Judge (PCR), Madurai, to consider the bail application of the petitioners on the same day of their surrender in connection with Crime No.13 of 2016.

2.The sum and substance of the complaint is that the petitioners, along with other accused, trespassed into the house of the defacto complainant, abused him in filthy language and also by his caste name, attacked him with deadly weapons and damaged his properties. The said complaint has been registered in Crime No.13 of 2016 for the alleged offences under Sections 147, 436, 307 IPC and Section 3 of TNPPDL Act r/w Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 2015.



3. Learned counsel for the petitioners would submit that the petitioners are students; they have nothing to do with the alleged occurrence, yet, as the defacto complainant belonged to the scheduled caste community and the petitioners did not belong to that community, that fact has been taken advantage of and they have been falsely implicated in the case; even though the case has been registered under Sections 147, 436 and 307 IPC, there is no specific overtact as against the petitioners herein; and 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. Learned Government Advocate (Crl. Side) appearing for the respondent would submit that the injured has been discharged from the hospital; co-accused has already been released on bail; 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 bail application. The Court concerned is directed to accept the surrender of the petitioners in Crime No.13 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-II)

/True Copy/

Sub Assistant Registrar

gcg

To:

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

+1CC to Mr.V.Arighandran, Advocate Sr.No.36955

GJM/SK/SKN/SAR-II-18.7.16-2p-5c