



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Cr1.O.P.(MD) No.12878 of 2016

Pandithurai

... Petitioner/ Sole Accused

-Vs-

1. State rep. by the
Deputy Superintendent of Police,
Orathanadu, Thanjavur District.
(Crime No.138 of 2010)

2. The Inspector of Police,
Papanadu Police Station,
Papanadu, Thanjavur District.
(Crime No.138 of 2016)

... Respondents/Complainants

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned I-Additional District and Sessions Judge (PCR), Thanjavur to consider the bail application on the same day of surrender in Crime No.138 of 2010 on the file of the 2nd respondent Police for the alleged offence under Sections 294(b), 323, 506(ii) IPC r/w 3 (i) (x) of SC/ST Act, 1989.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.P.Kandasamy,
Govt. Advocate (Cr1.Side)

O R D E R

This petition has been filed seeking a direction to the learned I-Additional District and Sessions Judge (PCR), Thanjavur, to consider the bail application of the petitioner on the same day of his surrender in Crime No.138 of 2010.

2.The sum and substance of the complaint is that due to previous motive, the petitioner abused the defacto complainant in filthy language and also by his caste name, and attacked him with stick. The said complaint has been registered in Crime No.138 of 2010 on the file of the 2nd respondent Police for the alleged offences under Sections 294(b), 323, 506(ii) IPC r/w Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 2015.



3. Learned counsel for the petitioners would submit that the petitioner has 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 petitioner cannot move any anticipatory bail application and therefore, the petitioner has come up with this petition.

4. Learned Government Advocate (Crl. Side) appearing for the respondents would submit that already investigation has been completed in this case and charge sheet has been filed, and it is at the stage of committal.

5. Having regard to the facts and circumstances of the case, the petitioner is 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 petitioner in Crime No.138 of 2010 and consider bail application of the petitioner 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 (CS)

To:

1. The I-Additional District and Sessions Judge (PCR), Thanjavur.
2. The Deputy Superintendent of Police,
Orathanadu, Thanjavur District.
3. The Inspector of Police,
Papanadu Police Station,
Papanadu, Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.S.Ramasamy, Advocate, Sr.No.39490

gcg

JM/SK-SKN/SAR-I/27.07.2016/2P-6C