

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 27.07.2016****CORAM:****THE HONOURABLE Dr. JUSTICE S.VIMALA****CrI.O.P. (MD) .No.12908 of 2016**

Kani

.. Petitioner/Accused

Vs.

The State rep. by its
The Inspector of Police,
Veerapandi Police Station,
Theni District
Crime No.239/2016

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned Principal District Sessions Judge for PCR cases Theni to accept the surrender of the petitioner and to consider the bail application on the same day in accordance with law of his surrender in connection with Crime No 239 of 2016 on the file of the Inspector of Police Veerapandi Police station Theni District.

For Petitioner : Mr.B.Jeyakumar
For respondents : Mr.K.V.Rajarajan
Government Advocate (Criminal side)

ORDER

This application has been filed seeking a direction to the Court, which is dealing with the SC/ST Act cases to consider the bail application on the day of surrender itself.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) for the respondents.

3.The petitioner is arrayed as accused No.4 in Crime No.239/2016 in respect of the offences under Sections 294(b), 323, 324, 234, 506(ii) IPC and r/w 3 (1)(r)(s), 3(2)(va) of SC/ST (POA) Act, 2014 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 forward with the said prayer.

4.The learned counsel for the petitioner submitted that the main dispute is between the 1st accused and the de-facto complainant under whom the 1st accused is working and the name of

the petitioner herein did not find place in the FIR.

4.Learned Government Advocate (Crl. Side) takes notice for the respondent and submits, on instructions, that the injured has been discharged from the hospital and the investigation is almost completed.

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 petitioner cannot move any anticipatory bail, the Principal District Sessions Judge for PCR cases, Theni is directed to accept the surrender of the petitioner and consider his bail application, in the event of the petitioner filing such petition in Crime No.239/2016 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 (CS-II)

/True copy/

Sub Assistant Registrar

To

- 1.The Principal District Sessions Judge for PCR cases
Theni
- 2.The Inspector of Police,
Veerapandi Police Station,
Theni District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.B.Jeyakumar, Advocate in SR.No. 40103

RR
JA-DB/5.8.2016/2P:5C

Crl.O.P (MD) No.12908 of 2016
27.07.2016