



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.13399 of 2016

1.R.Sivasamy
2.P.Samiappan
3.T.Saravanan

... Petitioners/A1, A2 & A5

-Vs-

State rep. by
the Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
(Crime No.458 of 2016)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned District and Sessions Judge (PCR Court), Karur District to dispose the bail application filed by the petitioners on merits on the same day of their surrender before the above mentioned concerned Court in pending investigation of Crime No.458 of 2016 on the file of the Inspector of Police, Pasupathipalayam Police Station, Karur District.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.K.V.Rajarajan,
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed seeking a direction to the learned District and Sessions Judge (PCR Court), Karur District, to consider the bail application of the petitioners on the same day of their surrender in Crime No.458 of 2016.

2.The sum and substance of the complaint is that due to previous motive, the petitioners along with other accused abused the defacto complainant in filthy language and also by his caste name, attacked the defacto complainant with deadly weapons and also gave life threat to him. The said complaint has been registered in Crime No.458 of 2016 for the alleged offences under Sections 148, 294(b), 324 and 506(ii) IPC and Section 3(1)(r), 3(1)(s) and 3(1)(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 therefore, the petitioners have come up with this petition.

4. Learned Government Advocate (Crl. Side) appearing for the respondent would submit that this is a case and case in counter; the injured has been discharged from the hospital; the co-accused has already been released on bail by the learned Principal Sessions Judge, Karur; and the major part of the investigation 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.458 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 (CS)

To:

1. The District and Sessions Judge (PCR Court),
Karur District.
2. The Inspector of Police, Pasupathipalayam Police Station,
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1cc to Mr.K.Hariharan, Advocate, SR.No.41047

gcg
JM/AAL-MPA/SAR-AE/02.08.2016/2P-5C

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