



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P.(MD).No.13783 of 2016

Mathi @ Mathiyalagan

.. Petitioner/Accused No.2

Vs.

The State rep. by its
The Inspector of Police,
Chinnakovilankulam Police Station,
Tirunelveli District
Crime No.82/2016

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned IInd Additional Sessions Judge (PCR Court) Tirunelveli District to consider the petitioner bail application on the date of surrender on same day in Cr.No.82 of 2016 on the file of the Inspector of Police Chinnakavilankulam Police Station Tirunelveli District.

For Petitioner : Mr.K.Prabhu
For respondents : Mr.P.Kandasamy
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 (Crl. Side) for the respondents.

3.The petitioner is arrayed as accused No.2 in Crime No.82/2016 in respect of the offences under Sections 147, 148, 294 (b), 341, 323, 324, 307 and 506(ii) IPC and r/w 3 (1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act 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.Learned Government Advocate (Crl. Side) takes notice for the respondent and submits, on instructions, that except the petitioner, all the other accused have already been released on bail. He would further submit that it is a counter case and 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 IInd Additional Sessions Judge (PCR Court) Tirunelveli District, 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.82/2016 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(AS)

/True Copy/

Sub Assistant Registrar.

To

1.The IInd Additional Sessions Judge (PCR Court)
Tirunelveli District

2.The Inspector of Police,
Chinnakovilankulam Police Station,
Tirunelveli District

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

+1CC to M/S.K.Prabhu, Advocate, SR.No. 42099

Cr1.O.P(MD)No.13783 of 2016
04.08.2016

RR

AM/KP/SAR-I/10.08.2016/2P/5C