



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2016

CORAM:

THE HONOURABLE Dr.JUSTICE S.VIMALA

Crl.O.P. (MD) .No.13800 of 2016

1.Durairaj
2.Kannagi

.. Petitioners/Accused Nos.1&2

Vs.

The State rep. by its
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District
Crime No.104/2016

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the I Additional Sessions Judge (PCR Court) Thanjavur under the SC/ST Amendment Act 2015 to consider of the bail application on the surrender of the Petitioners in connection with crime No.104 of 2016 pending investigation on the file of the Respondent police on merits on the same day.

For Petitioner : Mr.V.Muthukamatchi
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 petitioners and the learned Government Advocate (Crl. Side) for the respondents.

3.The petitioners are arrayed as accused Nos.1 & 2 in Crime No.104/2016 in respect of the offences under Sections 294(b), 427 and 506(i) IPC and r/w 3 (1)(10), 5 3(2)(va) of SC/ST (POA) Amendment Act and the date of occurrence is 23.04.2016 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 forward with the said prayer.

4.Learned Government Advocate (Crl. Side) takes notice for the respondent and submits, on instructions, that major part of 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 petitioners cannot move any anticipatory bail, the I Additional Sessions Judge (PCR Court), Thanjavur, District, is directed to accept the surrender of the petitioners and consider their bail application, in the event of the



petitioner filing such petition in Crime No.104/2016 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.

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Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS)

To

1.The I Additional Sessions Judge (PCR Court),
Thanjavur.

2.The Inspector of Police, Pappanadu Police Station,
Thanjavur District

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

+1cc to Mr.V.Muthukarthick, Advocate in SR.41990

Cr1.O.P(MD)No.13800 of 2016
04.08.2016

rr.

PBK/DB/SAR AE 09.08.2016 ::2P-5C: