



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P.(MD).No.14140 of 2016

Siddiq @ Abubuckker siddiq

.. Petitioner

Vs.

State through
The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District
Crime No.60/13

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the II Additional Principal and Sessions Court, Tirunelveli (Special Court for PCR Cases) to consider the bail application of the petitioner on the same day of surrender and dispose the same on the same date on merits and in accordance with law in Crime No.60/2013.

For Petitioner : Mr.P.Mani Anandh

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 (Crl. Side) for the respondents.

3.The petitioner is arrayed as accused No.17 in Crime No.60/2013 in respect of the offences under Sections 147, 148, 324 IPC and r/w Section 3 of TNPPDL Act and r/w Section 3 (1)(x) 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.The learned counsel for the petitioner would submit that the FIR has been laid against 10 named persons and 10 unnamed persons. ~~Services is not submitted~~ that at the time of registering the case, the petitioner's name did not find place. However, on investigation, his name has been included and the petitioner is arrayed as A17.



Therefore, there is no possibility for the petitioner to know that the case is registered against him.

4.Learned Government Advocate (Crl. Side) takes notice for the respondent and submits, on instructions, that the petitioner is the 17th accused in Crime No.60/2013 and major part of the investigation is over and non bailable warrant is pending against the petitioner/accused.

5.Considering the submissions of both sides and also considering the nature of the prayer in this case and that the case is of the year 2013 and 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 II Additional Principal and Sessions Court, Tirunelveli (Special Court for PCR Cases), 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.60/2013 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(P&A)

/True copy/

Sub Assistant Registrar

To

1.The II Additional Principal and Sessions Court,
(Special Court for PCR Cases)
Tirunelveli

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

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

+1cc to Mr.P.ManiAnand, Advocate SR.No.43142

RR

sm:PV:2.9.2016:2P/5C

Crl.O.P (MD) No.14140 of 2016
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