



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P. (MD) .No.14584 of 2016

WEB COPY

1.Kabilan
2.Karthi

..Petitioners

Vs.

State rep.by
The Inspector of Police
Pappanadu Police Station,
Pappanadu
Thanjavur District,
Crime No.146/2016

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned Sessions Judge - Cum - PCR Court, Thanjavur to accept the surrender of the petitioner and consider this bail application on the same day in connection with Cr.No.146/2016 on the file of the respondent police.

For Petitioners
For Respondent

: Mr.G.Thiruvarutselvan
: Mr.A.P.Balasubramani
Government Advocate
(Criminal side)

ORDER

It is an application seeking a direction to the Sessions Judge - Cum - PCR Court, Thanjavur to consider the bail application of the petitioners on the same day of their surrender in Crime No.146 of 2016.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondents.

3.The sum and substance of the complaint against the petitioners/A1 and A2 is that on 03.08.2016, unfortunately, the defacto complainant dashed the petitioners/accused and due to that the petitioners attacked him with hands and scolded by using caste name. The said complaint has been registered in Crime No.146 of 2016 for the alleged offences under Sections 294(b) and 323 IPC r/w Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Amendment Ordinance Act, 2015.



4.It is represented by the learned counsel for the petitioners that due to previous enmity, a false complaint has been lodged against the petitioners. The learned counsel has also represented 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.

5.The learned counsel appearing for the petitioners further represented that the second petitioner/second accused has already been arrested and therefore, sought permission of this Court to withdraw the petition in so far as the second petitioner/second accused is concerned. He has also made an endorsement to that.

6.The learned Government Advocate (Crl. Side) appearing for the respondents would submit that the injured has been discharged from the hospital and major part of investigation is over.

7.Having regard to the facts and circumstances of the case, the first petitioner is directed to surrender before the Court concerned within ten days from the date of receipt of a copy of this order and file a bail application. The Court concerned is directed to accept the surrender of the first petitioner in Crime No.146 of 2016 and consider his bail application and dispose of the same on merits and in accordance with law, on the same day of their surrender.

8.With the above direction, this petition is disposed of in so far as the first petitioner is concerned and this petition is dismissed as withdrawn in so far as the second petitioner is concerned.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Sessions Judge - Cum - PCR Court, Thanjavur
2. The Inspector of Police
Pappanadu Police Station,
Pappanadu,
Thanjavur District,



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

+1cc to M/S.G.Thiruvarutselvan, Advocate SR.No.44290

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SD/KP/23.08.2016/3P/5C