



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2016

CORAM:

THE HONOURABLE Dr.JUSTICE S.VIMALA

CrI.O.P. (MD) .No.15003 of 2016

S.Perumal

.. Petitioner/A1

Vs.

State rep. by

1.The Sub Inspector of Police,
Manamadurai Police Station,
Sivagangai District,
Crime No.387 of 2016.

2.R.Arunkumar

(R2 impleaded vide order dated 18.08.2016
made in CrI.MP(MD)No.7169/2016
in CrI.OP(MD)No.15003/2016)

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Principal District and Sessions Judge(PCR) Sivagangai to consider the bail application of the petitioner to be filed in Cr.No.387 of 2016 on the file of the respondent police and to accept their surrender on the same day on merits and thus render justice.

For Petitioner	: Mr.P.R.Prithiviraj
For 1 st Respondent	: Mr.K.V.Rajarajan Government Advocate(Criminal side)
For Intervener	: M/s.C.Arockia Selvi

ORDER

It is an application seeking a direction to the Principal District and Sessions Judge(PCR) Sivagangai to consider the bail application of the petitioner to be filed in Cr.No.387 of 2016 on the file of the respondent police and to accept his surrender on the same day on merits.

2.Heard the learned counsel for the petitioner; the learned Government Advocate (CrI.side) for the first respondent and the learned counsel for the intervener/defacto complainant.

3.The sum and substance of the complaint against the petitioner/A1 is that on 08.08.2016, the petitioner and other accused have assaulted the defacto complainant and abused him with caste name. The said complaint has been registered in Crime No.387 of 2016 for the alleged offences under Sections 294(b), 323, 324, 341 and 506(ii) IPC r/w 3(1)(r), 3(1)(s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.

4. It is represented by the learned counsel for the petitioner that the petitioner is an innocent and he has been falsely implicated in the case. The learned counsel has also represented 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 up with this petition.

5. The learned counsel appearing for the intervener/defacto complainant would submit that the defacto complainant is a student, studying B.A. Literature and the threat by the accused persons even now continues and therefore, his objection to consider the bail application of the petitioner must be taken into account.

6. The learned Government Advocate (Crl. Side) appearing for the first respondent 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 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 and the Court concerned is directed to accept the surrender of the petitioner in Crime No.387 of 2016 and consider his bail application and dispose of the same on merits and in accordance with law, on the same day of his surrender and impose appropriate conditions, so that the grievance expressed on behalf of the defacto complainant shall also be addressed.

8. With the above direction, this petition is disposed of.

Sd/
Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge (PCR), Sivagangai

2. The Inspector of Police, Manamadurai Police Station,
Sivagangai District,

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1cc to M/S. PR. Prithiviraj, Advocate in SR.No.45576

Crl.O.P (MD) No.15003 of 2016

18.08.2016