



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2016

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Criminal Original Petition (MD) No.1508 of 2016

1.Prithiviraj

2.Muthuraj

... Petitioners

vs.

1.The Deputy Superintendent of Police
Periyakulam Taluk, Theni District

2.The Inspector of Police
Dhevathanapatty Police Station
Theni District
(Crime No.36 of 2016)

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C to directing the learned Principal Sessions Judge, Theni District, Theni cum PCR Court (Special Court Constituted under SC & ST Prevention of Atrocities Act, 1989) to consider the bail application filed along with the surrender application of the petitioners in Crime No.36 of 2016, on the file of the second respondent Dhevathanapatty Police Station, Theni District, on the same day on merits.

For Petitioners : Mr.C.S.Manisekaran

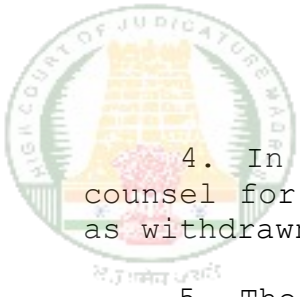
For Respondents : Mr.K.V.Rajarajan, G.A.(Crl.Side)

O R D E R

The learned counsel appearing for the petitioners have submitted that the petitioners have come forward with this petition seeking for a direction to the learned Principal Sessions Judge, Theni District, Theni cum PCR Court (Special Court Constituted under SC & ST Prevention of Atrocities Act, 1989), to consider the bail application of the petitioners on the same day on their surrender in Crime No.36 of 2016, pending on the file of the respondent Police.

2. The learned counsel for the petitioners has also submitted that the petitioners have been implicated in this case for the alleged offences under Sections 279, 294(b), 506(ii) I.P.C., and Section 4 of TNWH Act and Section 3(1)(r) & (s), 3(2)(Va), 3(1)(w)(i) SC/ST (POA) Amendment Ordinance-2014, 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.

3. The learned counsel for the petitioners sought permission of this Court to withdraw the petition as against the second petitioner and he has also made an endorsement to that effect.



4. In view of the submission and endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn as against the second petitioner.

5. The learned Government Advocate (Criminal Side) takes notice for the respondents.

6. 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 first petitioner cannot move any anticipatory bail, the learned Principal Sessions Judge, Theni District, Theni cum PCR Court (Special Court Constituted under SC & ST Prevention of Atrocities Act, 1989), is directed to consider the bail application, in the event of the first petitioner filing such petition in Crime No.36 of 2016, on the file of the respondent police, and dispose of the same on merits and in accordance with law on the same day.

5. With the above observation, this criminal original petition is disposed of in respect of the first petitioner and as regards the second petitioner is concerned, it is dismissed as withdrawn.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

krk

To

1.The Principal Sessions Judge,
Theni District, Theni-cum-PCR Court
(Special Court Constituted under
SC & ST Prevention of Atrocities Act, 1989).

2.The Deputy Superintendent of Police,
Periyakulam Taluk, Theni District.

3.The Inspector of Police,
Dhevathanapatty Police Station,
Theni District.

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

+1CC to Mr.C.S.ManiSekaran Advocate Sr.No.7533

GJM/SKS/RR/SAR-I-16.2.16-2p-6C

Cr1.O.P(MD).No.1508 of 2016
08.02.2016