



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.15187 of 2016

1. M.Pandiarajan

2. P.Vasuki

.. Petitioners/Accused rank not known

-vs-

1. The Deputy Superintendent of Police,
Thirumangalam Division,
Madurai District.

2. The Sub-Inspector of Police,
Kallikudi Police Station,
Madurai District.

(Crime No.105/2016)

... Respondents/Complainants

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Hon'ble Court of III Additional Sessions Judge PCR Court, Madurai to accept the surrender of the petitioners and consider their bail application on the same day in connection with Crime No.105 of 2016 pending on the file of the respondents.

For Petitioners : Mr.P.Rajendran

For Respondents : Mr.K.V.Rajarajan
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed, seeking to direct the learned III Additional Sessions Judge PCR Court, Madurai to accept the surrender of the petitioners and consider their bail application on the same day in connection with Crime No.105 of 2016 pending on the file of the respondents.

2. Learned counsel for the petitioners submits that the defacto complainant is the daughter of the petitioners; that she fell in love with on Sankaramurthy, who studied along with her in the college; both of them have married and the defacto complainant is now residing in the home of Sankaramurthy, pursuant to which, it is alleged that the parents used abusive language.



2.1. Learned counsel for the petitioners further submits that apart from causing mental agony to her parents, to add fuel to the flames, this case has been registered against them on the basis of the complaint given by their daughter and therefore, it is a fit case to issue suitable direction to the Court below. It is also submitted that the defacto complainant, when produced before the HCP Court in respect of H.C.P(MD) No.643 of 2016, expressed her desire to live with her husband Sankaramurthy.

2.2. Learned counsel for the petitioners also submits the petitioners have been implicated in this case for the alleged offences under Sections 294(b) and 506(i) IPC and Section 3(1)(x) of SC/ST (PoA) Act, 1989 altered into Sections 294(b) and 506(i) IPC and Section 3(1)(r)(s) of SC/ST (PoA) Amendment Act, 2015 in Crime No.105 of 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.

3. Learned Government Advocate (Crl.Side) takes notice for the respondents and submits that nobody sustained injury in this case.

4. 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 petitioners are directed to surrender before the III Additional Sessions Judge PCR Court, Madurai within ten days from the date of receipt of a copy of this order. The learned III Additional Sessions Judge PCR Court, Madurai is directed to accept the surrender of the petitioners and consider their bail application, in the event of the petitioners filing such petition in Crime No.105 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.

With this observation, this petition is disposed of accordingly.

Sd/
Assistant Registrar(CS-II)

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Sub Assistant Registrar



To:

1. The III Additional Sessions Judge PCR Court,
Madurai.

2. The Deputy Superintendent of Police,
Thirumangalam Division,
Madurai District.

3. The Sub-Inspector of Police,
Kallikudi Police Station,
Madurai District.

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

+1cc to M/S.N.Satheeshkumar, Advocate in SR.No.45951

Cr1.O.P. (MD) No.15187 of 2016
19.08.2016

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