



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2016

WEB COPY

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

CrI.O.P.(MD).No.15868 of 2016

1.Kumar @ Muthukumar
2.Sudalai

.. Petitioners/Accused 1&8

Vs.

State rep. by
the Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.
(Crime No.257 of 2016)

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the II Additional District and Sessions Judge Tirunelveli (PCR Court) to consider the bail application of the petitioners/accused in Cr.No.257 of 2016 on the file of the respondent police on the same day of surrender on merits.

For Petitioners : Mr.Jeya Karthick
For Respondent : Mr.A.P.Balasubramani
Government Advocate (Criminal side)

ORDER

It is an application seeking a direction to the II Additional District and Sessions Judge, Tirunelveli (PCR Court) to consider the bail application of the petitioners on the same day of their surrender in Crime No.257 of 2016.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.side) for the respondent.

3.The sum and substance of the complaint against the petitioners/A1 & 3 is that the pig of the defacto complainant has beaten the cows of the first petitioner. Due to this motive, on 10.08.2016, the petitioners have attacked the defacto complainant with deadly weapons, threatened him with dire consequences and also used caste name. The said complaint has been registered in Crime No.257 of 2016 for the alleged offences under Sections 147, 148, 294(b), 324 IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities),



Amendment Ordinance Act, 2014.

4.It is represented by the learned counsel for the petitioners that the petitioners have no connection whatsoever with the alleged offence and due to previous enmity, the petitioners have 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 petitioners cannot move any anticipatory bail application and therefore, the petitioners have come up with this petition.

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

6.Having regard to the facts and circumstances of the case, the petitioners are 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 petitioners in Crime No.257 of 2016 and consider their bail application and dispose of the same on merits and in accordance with law, on the same day of their surrender.

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

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1.The II Additional District and Sessions Judge,
Tirunelveli (PCR Court)

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

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

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate, SR No.48409

Crl.O.P (MD) No.15868 of 2016
29.08.2016

mj

SH/GSV-PM/SAR-I:06.09.2016:2P/5C