

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.08.2016****CORAM:****THE HONOURABLE Dr. JUSTICE S.VIMALA****Cr1.O.P. (MD) .No.15978 of 2016**

David

.. Petitioner/Sole Accused

Vs.

State rep. by its
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District
Crime No.473/2015

.. Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Special Judge for SC/ST (Prevention of Atrocities) Act, Additional District Judge NO.II, Tirunelveli to consider the bail application of the petitioner on the same day of his surrender in Crime No.473/2015 on the file of the respondent police.

For Petitioner : Mr.R.Pon Karthikeyan

For respondents : Mr.A.P.Balasubramani
Government Advocate (Criminal side)

ORDER

This application has been filed seeking a direction to the Court, which is dealing with the SC/ST Act cases to consider the bail application on the day of surrender itself.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side) for the respondents.

3.The petitioner is the sole accused in Crime No.473/2015 in respect of the offences under Sections 294(b), 352, 506(ii) IPC and r/w 3 (1)(x) of SC/ST (POA) Act and 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 forward with the said prayer.

4.Learned Government Advocate (Cr1. Side) takes notice for the respondent and submits, on instructions, that investigation is completed and charge sheet has been filed.



5.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 petitioner cannot move any anticipatory bail, Additional District Judge NO.II, Tirunelveli, is directed to accept the surrender of the petitioner and consider his bail application, in the event of the petitioner filing such petition in Crime No.473/2015 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 (W)

/True Copy/

Sub Assistant Registrar

To

1.The Additional District Judge NO.II,
Special Judge for SC/ST
Tirunelveli

2.The Inspector of Police,
Sathankulam Police Station, Thoothukudi District

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

+1 cc to MR.R.PON KARTHIKEYAN, Advocate Sr.No.48427

Crl.O.P (MD) No.15978 of 2016
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SMA/PV/16/09/2016 :2P/5C