



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

CrI.O.P.(MD).No.16139 of 2016

Balamurugan

.. Petitioner

Vs.

The State
Rep. by Inspector of Police,
Appanthiruppathy South Police Station,
Madurai District
Crime No.36/2016

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned III Additional District & Sessions Judge (Special Court for SC/ST (P&A) Act Cases), Madurai to consider the bail application filed by the petitioner herein and pass orders on the same day, if the petitioner surrenders before the said Court in connection with the case in Crime No.36/2016 on the file of the respondent.

For Petitioner : Mr.M.Solaisamy
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 (CrI. Side) for the respondents.

3.The petitioner is arrayed as accused in Crime No.36/2016 in respect of the offences under Sections 147, 352, 323, 354 and 427 IPC and r/w Tamil Nadu Protection of Women from Harassment Act and Section 3 (2)(v) (a) of Amendment Ordinance 2014 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.

<https://hcservices.equitas.gov.in/hcservices/> Government Advocate (CrI. Side) takes notice for the respondent and submits, on instructions, that investigation is almost completed.



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, the III Additional District & Sessions Judge (Special Court for SC/ST (P&A) Act Cases), Madurai, 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.36/2016 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(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The III Additional District & Sessions Judge
(Special Court for SC/ST (P&A) Act Cases), Madurai

2.The Inspector of Police,
Appanthiruppathy South Police Station,
Madurai District

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

+One cc to Mr.M.Solaisamy, Advocate, SR.No.49728

RR
RL/5C/2P/SS3/15/9/2016

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