



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALACrl.O.P.(MD) No.16430 of 2016

K.Chellaprabhu

... Petitioner/Accused No.1

-Vs-

The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai -21.

(Crime No.439 of 2016)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the III-Additional District Judge, Madurai to consider the bail application of the petitioner in Crime No.439 of 2016 on the file of the Inspector of Police, Nagamalai Pudukkottai Police Station, Madurai on the same date of surrender.

For Petitioner	: Mr.K.P.S.Palanivel Rajan
For Respondent	: Mr.K.V.Rajarajan, Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed seeking a direction to the learned III-Additional District Judge, Madurai, to consider the bail application of the petitioner on the same day of his surrender in Crime No.439 of 2016.

2.The sum and substance of the complaint is that the petitioner herein had sexual intercourse with the defacto complainant's minor daughter and caused her pregnancy, and when she asked him to marry her, he abused her by caste name and also gave life threat to her. The said complaint has been registered in Crime No.439 of 2016 for the alleged offences under Sections 5(1) (2) & (6), 16 and 17 of the Prevention of Children from Sexual Offences Act, 2012 r/w 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act and 506 (i) IPC

3.Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the case due to previous motive and that in view of the specific bar under Section 18 of the Cr.P.C. the petitioner cannot move any anticipatory bail application and therefore, the petitioner has come up with this petition.



4. Learned Government Advocate (Crl. Side) appearing for the respondent would submit that there was no instruction from the respondent and therefore, he is not in a position to say anything in this petition.

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5. At this juncture, the learned counsel for the petitioner relying upon the decision of the Hon'ble Supreme Court in Sundeep Kumar Bafna Vs. State of Maharashtra, reported in (2014) 16 SCC 623, would submit that whatever may be the objection by the respondent, that would be considered by the Sessions Court and therefore, there cannot be any impediment for the accused to surrender before the Court and seeking bail on the same day.

6. Having regard to the facts and circumstances of the case, the petitioner is directed to surrender before the Court concerned within ten days from the date of receipt of a copy of this order and file bail application. As there is no instruction from the respondent, this Court is not in a position to consider the merits of the matter and therefore, the concerned Court is directed to accept the surrender of the petitioner in Crime No.439 of 2016 and consider the bail application of the petitioner on merits and after hearing both sides, dispose of the same on merits and in accordance with law, on the same day of his surrender.

7. This Criminal Original Petition is disposed of accordingly.

Sd/
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To:

1. The III-Additional District Judge, Madurai.

2. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai -21.

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

+1CC to M/S. K.P.S.Palanivelrajan, Advocate, SR.No. 49696

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