



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD).No.16571 of 2016

Thirukumaran

.. Petitioner/Accused No.12

Vs.

The State rep. By
The Sub Inspector of Police,
Abiramam Police Station,
Ramanthapuram District.

In (Crime No.164 of 2012)

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to permit the petitioner to surrender and to file the petitioner to recall the Non-Bailable Warrant issued against the petitioner by the Learned Judicial Magistrate, Kamuthi in connection with P.R.C.No.23 of 2013, dated 28.10.2014 in Crime No.164 of 2012, on the file of the respondent police and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.

For Petitioner : Mr.A.Uthayakumar

For respondent : Mr.K.Anbarasan

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 (Crl. Side) for the respondents.

3.The petitioner is arrayed as accused in Crime No.164/2012 in respect of the offences under Sections 147, 148, 341, 506(ii) r/w 3(1)(X) SC/ST (Prevention of Atrocities) Act, 1989 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.The learned Government Advocate (Crl. Side) would submit
<https://hservices.ecourts.gov.in/hservices/crime-non-bailable-warrant> is pending against the petitioner.



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 petition, the petitioner is directed to surrender before the learned Judicial Magistrate, Kamuthi and to file an application for bail and in the event of the petitioner filing such petition in P.R.C.No.23 of 2013 on the file of the Judicial Magistrate, Kamuthi, the learned Magistrate is directed to accept the surrender of the petitioner and consider his bail application, and dispose of the same on merits and in accordance with law on the same day on condition that the petitioner shall pay a sum of Rs.10,000/- to the Harijan Sevak Sangh, 561, K.K.Nagar, Madurai within a period of two weeks from the date on which, the order copy is made ready, failing which, the respondent is at liberty to execute the Non-Bailable Warrant.

6. This petition is disposed of accordingly.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Kamuthi.

2. The Sub Inspector of Police,
Abiramam Police Station,
Ramanthapuram District.

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

+One cc to M/s.A.Uthaya Kumar, Advocate, SR.no.52122

Copy to:

The Officer-in-Charge,
Harijan Sevak Sangh, 561, K.K.Nagar, Madurai

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RL/6C/2P/SKS/RR/21/9/2016

Cr1.O.P (MD) No.16571 of 2016