

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 06.09.2016****CORAM:****THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM****Cr1.O.P. (MD) .No.16645 of 2016**

Gowtham

.. Petitioner

Vs.

State rep. By
The Inspector of Police,
Appanthiruppathi Police Station,
Madurai District,
In Crime No.36 of 2016

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Third Additional Sessions Judge (Special Court for PCR Cases) Court, Madurai to accept the surrender of the petitioner and consider his bail application on the same day in connection with Crime No.36 of 2016, on the file of the Respondent Police.

For Petitioner : Mr.D.Nallathambi

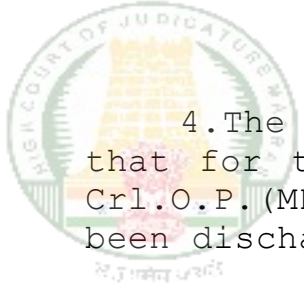
For respondent : Mr.K.Anbarasan
Government Advocate (Criminal side)

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 (Cr1. 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, 427 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and Section 3(2)(V)(a) of 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 that for the named accused direction was given by this Court in Crl.O.P.(MD)No.11571 of 2016 and the injured person had already been discharged from the hospital.

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 Sessions Judge (Special Court for PCR Cases) Court, 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.

6.This petition is disposed of accordingly.

Sd/

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1.The III Additional Sessions Judge
(Special Court for PCR Cases) Court, Madurai,

2.The Inspector of Police,
Appanthiruppathi Police Station,
Madurai District,

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

+1 cc to MR.D.NALLATHAMBI, Advocate SR.No.50123

Crl.O.P(MD)No.16645 of 2016
06.09.2016

SMA/CK/21/09/2016 :2P/5C