



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2016

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THE HON'BLE MR.JUSTICE K. KALYANASUNDARAM

Cr1.O.P.(MD) No.16981 of 2016

Basith ali @ Basith

... Petitioner/ accused No.1

-Vs-

State rep. by
the Deputy Superintendent of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.382 of 2016)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Principal District and Sessions Judge / Special Judge for offences under SC/ST cases, Ramanathapuram to consider the Bail application of the petitioner/Accused if any filed by him on his surrender on the same day, in connection with Crime No.382 of 2016 on the file of the respondent Police.

For Petitioner : Mr.R. Venkateswaran

For Respondent : Mr.K.Anbarasan
Govt. Advocate (Cr1.Side)

O R D E R

This petition has been filed seeking a direction to the learned Principal District and Sessions Judge / Special Judge for offences under SC/ST cases, Ramanathapuram to consider the bail application of the petitioner on the same day of his surrender in Crime No.382 of 2016.

2.The sum and substance of the complaint is that due to the wordy quarrel, the petitioner abused the defacto complainant in filthy language and also by his caste name, and attacked the defacto complainant with deadly weapons. The said complaint has been registered in Crime No.382 of 2016 for the alleged offences under Sections 448,294(b), 323, 324, 506(ii) of IPC and 3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the case 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 have come up with this petition.

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4. Learned Government Advocate (Crl. Side) appearing for the respondent would submit that the injured has been discharged from the hospital and that the major part of the investigation over.

5. 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. The Court concerned is directed to accept the surrender of the petitioner in Crime No.382 of 2016 and consider bail application of the petitioner and dispose of the same on merits and in accordance with law, on the same day of his surrender.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

trp

To:

1. The Deputy Superintendent of Police,
Devipattinam Police Station,
Ramanathapuram District.
2. The Principal District and Sessions Judge/
Special Judge, Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.R.Venkateswaran, Advocate Sr.No.51608

GJM/SS3/SAR(Writ)-19.9.16-2p-5c

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