



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.10.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM
Crl.O.P.(MD) No.18989 of 2016

WEB COPY

Kannan

... Petitioner/ Accused No.1

-Vs-

State represented by
The Inspector of Police,
Sindupatty Police Station,
Madurai District.
(Crime No.209 of 2016)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the III Additional District and Sessions Court (PCR), Madurai, to consider the bail application of the petitioner to be filed in Cr.No.209 of 2016 on the file of the respondent police and to accept their surrender on the same day on merits.

For Petitioner : Mr.P.Senguttuarasan

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

O R D E R

This petition has been filed seeking a direction to III Additional District and Sessions Court (PCR), Madurai, to consider the bail application of the petitioners/Accused in Crime No.209/2016 on the file of the respondent on the date of surrender of the petitioner itself.

2.The sum and substance of the complaint is that due to the theft of vaicol, there was a wordy quarrel arisen between the petitioner and defacto complainant and the petitioner and others attacked the defacto complainant and his wife with wooden stick by using his caste name. The said complaint has been registered in Crime No.209 of 2016 for the alleged offences under Sections 323, 324, 506(ii) I.P.C.r/w Section 3(2)(Va) of SC/ST POA Amendment Act.

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 said Act, the petitioner cannot move any anticipatory bail application. Therefore, the petitioner has come up with this petition.



4. Learned Government Advocate (Crl. Side) appearing for the respondent would submit that the injured has already been discharged from the hospital.

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.209 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-I)

/True Copy/

Sub Assistant Registrar

To:

1. III Additional District and Sessions Court (PCR), Madurai.

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

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

+1cc to M/s.P.Senguttuarasan, Advocate SR.No.58179

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SD/GSV-PM/17.10.2016/2P/5C