



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.20666 of 2016

Nigomiya

.. Petitioner/Sole Accused

Vs.

State rep. by  
The Deputy Superintendent of Police,  
Thiruchendur,  
Thoothukudi District.  
(Crime No.380 of 2016)

.. Respondent/complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure praying a direction to the II-Additional District and Sessions Judge (PCR), Tirunelveli, to consider the bail application on the same day of surrender in Crime No.380 of 2016 on the file of the Deputy Superintendent of Police, Thiruchendur Taluk, Thoothukudi District for alleged offence under Section 294 (b), 323, 506(ii) of IPC and Section 3(1) of Prevention of Damage to Public Property Act, read with Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act, 2015.

|                |                                 |
|----------------|---------------------------------|
| For Petitioner | : Mr.R.Ramachandran             |
| For Respondent | : Mr.K.Anbarasan                |
|                | Government Advocate (Crl. Side) |

#### O R D E R

The petitioner seeks a direction to the learned II-Additional District and Sessions Judge (PCR), Tirunelveli, to consider the bail application of the petitioner on the day of surrender itself.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. The petitioner is arrayed as sole accused in Crime No.380 of 2016 for the offences punishable under Sections 294(b), 323, 506(ii) of IPC and Section 3(1) of Prevention of Damage to Public Property Act, read with Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, and that in view of the specific provisions under Section 18 of the said Act, the petitioner cannot move any anticipatory bail application and therefore, the petitioner has come up with this petition.



4.The learned Government Advocate (Crl. Side) would submit that the injured had already been discharged from the hospital.

5.Considering 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.380 of 2016 and consider the petitioner's bail application 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 ordered accordingly.

Sd/

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1.The II-Additional District and Sessions Judge (PCR),  
Tirunelveli.

2.The Deputy Superintendent of Police,  
Thiruchendur,  
Thoothukudi District.

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

+1CC to M/S.R.Ramachandran,Advocate, SR.No. 64653

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Pjl

AM/DB/10.11.2016/2P/5C