



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.21042 of 2016

1.Maththaiyan

2.Elangovan

... Petitioners/ Accused Nos.3 &4

-Vs-

State represented by
The Inspector of Police,
Nadukaveri Police Station,
Nadukaveri, Thanjavur District.
(Crime No.223 of 2016)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned I Additional District Judge (PCR, Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thanjavur District to accept the surrender of the petitioners and consider the petitioners' bail application and grant bail on the date of surrender itself in Crime No.223 of 2016, dated 29.10.2016 on the file of the respondent.

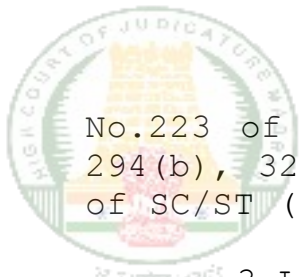
For Petitioners : Mr.D.S.Haroon Rasheed

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

O R D E R

This petition has been filed seeking a direction to the learned I Additional District Judge (PCR, Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thanjavur District to accept the surrender of the petitioners and consider the petitioners' bail application and grant bail on the date of surrender itself in Crime No.223 of 2016, dated 29.10.2016 on the file of the respondent.

2.The sum and substance of the complaint is that after consuming liquor, while the defacto complainant and his friends were returning to their house, the petitioners and others defacto complainant and abused the defacto complainant by mentioning his caste name and also attempted to assault him. The said complaint has been registered in Crime



No.223 of 2016 for the alleged offences under Sections 147, 148, 294(b), 324 and 506(ii) I.P.C. r/w Section 3(i)(r)(s), 3(ii)(v)(a) of SC/ST (POA) Act, 1989.

3.Learned counsel for the petitioners would submit that the petitioners have 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 petitioners cannot move any anticipatory bail application and therefore, the petitioners have come up with this petition.

4. Learned Government Advocate (Crl. Side) appearing for the respondent would submit that the injured was absconding from the hospital.

5.Having regard to the facts and circumstances of the case, the petitioners are 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 petitioners in Crime No.223 of 2016 and consider bail application of the petitioners and dispose of the same on merits and in accordance with law, on the same day of their surrender.

6.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To:

1. I Additional District Judge (PCR, Special Court
for Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, Thanjavur.

2.The Inspector of Police,
Nadukaveri Police Station,
Nadukaveri, Thanjavur District.

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

+1cc to Mr.D.S.Haroon Rasheed, Advocate SR.No.65638

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