



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.21173 of 2016

Thalavaipandian

.. Petitioner/Accused rank not known

Vs.

State rep. by
The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.123 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 Court(PCR), Tirunelveli, to consider the bail application of the petitioner/accused rank not known on the same day to surrender on merits in Crime No.123 of 2016 on the file of the respondent police.

For Petitioner : Mr.S.Sundarapandian

For Respondent : Mr.P.Kannithevan

Government Advocate (Crl. Side)

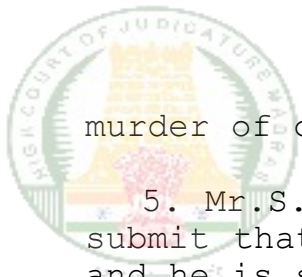
O R D E R

The petitioner seeks a direction to the learned II-Additional District and Sessions Court(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 accused No.4 in Crime No.123 of 2016 for the offences punishable under Sections 302 of I.P.C., altered into Section 302 of IPC., read with 3(1)(r), 3(1)(s), 3(2)(V,a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, and that in view of the specific bar contained in 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 case of the prosecution is that the petitioner, who is arrayed as Accused No.4 in Crime No.123 of 2016 on the file of the respondent has instigated the other accused Nos.1 to 3 to commit



murder of one Siva Gurunathan.

5. Mr.S.Sundara Pandian, learned counsel for the petitioner would submit that the petitioner is a senior citizen, aged about 81 years and he is suffering from paralytic attack and he is not even able to move and also bed-ridden. It is further submitted that the prime accused persons have already been secured and even as per the prosecution, he is one of the abettor for commission of offence and he has been falsely roped in this case.

6. Per contra, the learned Government Advocate (Crl. Side) would submit that the case was registered in Crime No.123 of 2016 against the accused persons, based on the complaint given by the Village Administrative Officer of Mela Ilanthai Kulam Village, Sankarankovil and the subsequent investigation reveals that at the instigation of the petitioner, the occurrence had taken place. It is further submitted that the Accused Nos.1 to 3 have already been secured and remanded to judicial custody and their bail application is pending.

7. 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.123 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.

8. This Criminal Original Petition is ordered accordingly.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The II-Additional District and Sessions Judge (PCR),
Tirunelveli,
2. The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.S.SUNDARAPANDIAN, ADVOCATE IN SR No. 68418

PJL

<https://hcservices.ecourts.gov.in/hcservices/>

TE/SS-3/SAR-CO : 15/11/2016 : 2P/5C

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