



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.21669 of 2016

1.Ottaiyan @ Parthiban

2.Kumar

3.Vijayan

.. Petitioners/Accused 1,3&4

Vs.

State rep. by

The Inspector of Police,

Cumbum North Police Station,

Theni District.

(Crime No.619 of 2016)

.. Respondent/complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to direct the learned Principal District and Sessions Judge, (PCR Court), Theni, to consider the bail application of the petitioners to be filed in Crime No.619 of 2016, on the file of the respondent police and to accept their surrender on the same day on merits.

For Petitioners

: Mr.G.Karuppasamy Pandiyan

For Respondent

: Mr.P.Kannithevan

Government Advocate (Crl. Side)

O R D E R

The petitioners seek a direction to the learned Principal District and Sessions Judge, (PCR Court), Theni, to consider the bail application of the petitioners on the day of surrender itself.

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

3 The petitioners are arrayed as accused in Crime No.619 of 2016 for the offences punishable under Sections 147, 294(b), 323, 506(i) of IPC and Section 3(1)(r)(s), 3(2)(Va) 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 petitioners cannot move any bail application and therefore, the petitioners have come up with this petition.



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

5.Considering 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.619 of 2016 and consider the 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 ordered accordingly.

Sd/

Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

To:

1.The Principal District and Sessions Judge, (PCR Court),
Theni.

2.The Inspector of Police,Cumbum North Police Station,
Theni District.

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

+1cc to M/s.G.Karuppasamy Pandiyan, Advocate, in SR No.68675.

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pjl

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