



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.22096 of 2016

1.Mookan
2. Nagavalli

... Petitioners

Vs.

State represented by the
Inspector of Police,
Manamadurai All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.25 of 2016)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure to direct the District and Sessions Judge cum Special Court for P.C.R., Sivagangai to accept the surrender of the petitioner in connection with the Crime No.25 of 2016 on the file of the respondent police and to consider and pass orders in the bail application on the same day.

For Petitioners	: Mr.V.Kannan
For Respondent	: Mr.K.Anbarasan
	Government Advocate (Crl. Side)

O R D E R

The Criminal Original Petition has been filed for a direction to the learned District and Sessions Judge cum Special Court for P.C.R., Sivagangai to accept the surrender of the petitioner in connection with the Crime No.25 of 2016 on the file of the respondent police and to consider and pass orders in the bail application on the same day.

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.25 of 2016 for the offences punishable under Sections 417 and 376 of Section 3(1) (xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, 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. The case has been registered against the petitioners based on the complaint of the de-facto complainant, who is aged about 26 years, alleging that the first accused by giving false promise of marrying her, had physical relationship with her, but subsequently, he refused to marry her. When this fact was informed to the petitioners herein, who are arrayed as A2 and A3, they threatened her with dire consequence and also scolded by caste name.

5. The learned counsel for the petitioners would submit that the offence of Sections 417 and 376 of I.P.C., is attracted only for the first accused and he has been arrested and remanded to judicial custody and the petitioners are only parents of A1 and their application may be considered on their surrender.

6. The learned Government Advocate (Crl.side) would submit that the de-facto complainant is aged about 26 years and the prime accused has been arrested and remanded to judicial custody.

7. Considering the above facts, 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 an application for bail. The Court concerned is directed to accept the surrender of the petitioners in Crime No.25 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.

8. This Criminal Original Petition is ordered accordingly.

Sd/

Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To

1. The District and Sessions Judge cum Special Court for P.C.R., Sivagangai.
 2. The Inspector of Police, Manamadurai All Women Police Station, Manamadurai, Sivagangai District.
 3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1CC to M/S.V.Kannan, Advocate, SR.No. 71740

Crl.O.P.(MD) No.22096 of 2016

22.11.2016