



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD) No.23047 of 2016

WEB COPY

1.M.Manikandan @ Jeeva Manikandan

2.P.Marikannan

:Petitioners/A5 and A8

-vs-

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Kovilpatti, Thoothukudi District.

2.The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti, Thoothukudi District.
(Crime No.743/2016)

: Respondents/Complainants

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned District and Sessions Court (Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities), Act 1989, Tirunelveli, to accept the surrender of the petitioners/Accused Nos.5 and 8 and consider the petitioners' bail application and grant bail on the date of surrender itself, in Crime No.743 of 2016, dated 27.11.2016 on the file of the respondent No.2 police.

For Petitioners	: Mr.J.Pandi Dorai
For Respondents	: Mr.A.P.Balasubramanian Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed, seeking to direct the learned District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Tirunelveli, to accept the surrender of the petitioners/Accused Nos.5 and 8 and consider the petitioners' bail on the same day of their surrender in connection with the case in Crime No.743 of 2016 pending on the file of the 2nd respondent police.

2.The learned counsel for the petitioners has submitted that the petitioners have been falsely implicated for the alleged offences under Sections 294(b), 363, 147, 148, 342, 323, 324, 307, 506(ii) IPC and Section 3(2)(V) of SC/ST (POA) Amendment Act, 2015, in Crime No.743 of 2016 and that in view of the specific bar under Section 18 of the SC & S.T. (Prevention of Atrocities) Act, the petitioners cannot move any anticipatory bail application and



therefore, the petitioners have come forward with the present petition for the said prayer.

3. Heard Mr.A.P.Balasubramanian, the learned Government Advocate (Cr1.Side), who takes notice for the respondents.

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4. Considering the submissions of both sides, this criminal original petition is disposed of with the following direction:-

The petitioners are directed to surrender before the learned District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Tirunelveli,, within fifteen days from today and if they filed any bail application in this crime number, learned District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Tirunelveli, is directed to dispose of the application, after giving notice to the concerned Public Prosecutor, purely on merits and in accordance with law on the same day itself.

With this observation, this petition is disposed of accordingly.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS)

To:

- 1.The District and Sessions Judge, (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Tirunelveli.
- 2.The Deputy Superintendent of Police, Kovilpatti, Thoothukudi District.
- 3.The Inspector of Police, Kovilpatti West Police Station, Kovilpatti, Thoothukudi District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.J.Pandi Durai, Advocate in SR.80805

Cr1.O.P.(MD) No.23047 of 2016
15.12.2016

er.

PBK/CK/SAR-I 20/12/2016 ::2P-6C: