



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

CORAM

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P. (MD) No.23863 of 2016

Thamim Ansar
Accused

... Petitioner/Sole

-vs-

The State rep. by the
The Deputy Superintendant of Police,
Uthamapalayam,
Theni District.
(Crime No.775 of 2016)
Respondent/Complainant

...

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Principal District and Sessions Judge, Theni, to consider the surrender and bail application filed by the petitioner in Crime No.775 of 2016 pending on the file of the respondent police on the same day.

For Petitioner : Mr.R.Gandhi
For Respondent : Mr.A.P.Balasubramanian
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed, seeking to direct the learned Principal District and Sessions Judge, Theni, consider the bail application of the petitioner/Sole Accused on the same day of his surrender, in connection with the case in Crime No.775 of 2016 pending on the file of the respondent police.

2.The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated for the alleged offences under Sections 294(b), 324, 3412, 506(ii) IPC and Section 3(1)(r)(s) and 3(2)(va) of SC & ST (P.A) Amendment Act 2015, in Crime No.775 of 2016 and that in view of the specific bar under Section 16 of the S.C. & S.T. (Prevention of Atrocities) Act, the petitioner cannot move any anticipatory bail application and



therefore, the petitioner has come forward with the present petition for the said prayer.

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

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

The petitioner is directed to surrender before the learned Principal District and Sessions Judge, Theni, within fifteen days from today and if he filed any bail application in this crime number, learned Principal District and Sessions Judge, Theni, 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

To:

1. The Principal District and Sessions Judge, Theni.
2. The Deputy Superintendant of Police, Uthamapalayam, Theni District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.R.GANDHI, ADVOCATE IN SR No. 83334

ER

TE/CK/SAR-II : 29/12/2016 : 2P/5C