



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.12.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R. MAHADEVAN

Crl.O.P.(MD) No.24064 of 2016

1. Balaji
2. Elavarasan

... Petitioners/Accused No.2& 3

-Vs-

The State represented by

1. The Deputy Superintendant of Police,
Papanasam Sub Division,
Thanjavur District.

2. The Inspector of Police,
Melathur Police Station,
Melathur, Thanjavur District.

(Cr.No.105 of 2016)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the I Additional District and Sessions Judge (Special Judge for PCR Cases), Thanjavur, Thanjavur District, to consider the bail petition of the petitioners in connection with Crime No.105 of 2016, pending investigation on the file of the 2nd respondent police herein on the same day of their surrender.

For Petitioners : Mr.A. Thiruvadikumar

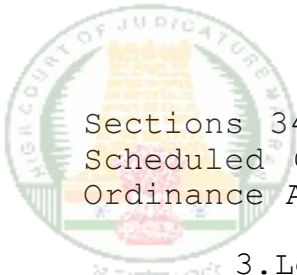
For Respondents : Mr.P. Kandasamy

Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed seeking a direction to the I Additional District and Sessions Judge (Special Judge for PCR Cases), Thanjavur, Thanjavur District, to consider the bail petition of the petitioners in connection with Crime No.105 of 2016, pending investigation on the file of the 2nd respondent police herein on the same day of their surrender.

2.The sum and substance of the complaint is that a wordy quarrel arose between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant by mentioning their caste name and caused simple injuries. The said complaint has been registered in Crime No.56 of 2016 for the alleged offences under



Sections 341, 324 of IPC and Section 3(1)(r)(s) and 3(2) (Va) of the Scheduled Caste and Tribes (Prevention of Atrocities) Amendment and Ordinance Act 2014.

3. Learned counsel for the petitioners would submit that the petitioners have been falsely implicated in the case due to previous motive 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. Heard the learned Government Advocate (Crl. Side) appearing for the respondents.

5. Having regard to 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.105 of 2016 and consider 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 disposed of accordingly.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

trp

To:

1. The I Additional District and Sessions Judge (Special Judge for PCR Cases), Thanjavur, Thanjavur District,
 2. The Deputy Superintendent of Police, Papanasam Sub Division, Thanjavur District.
 3. The Inspector of Police, Melathur Police Station, Melathur, Thanjavur District. (Cr.No.105 of 2016)
 - 4 The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1CC to Mr.A.Thiruvadikumar, Advocate Sr.No.83849

GJM/MPA/SAR-I-2.1.17-2p-6C

Crl.O.P. (MD) No.24064 of 2016

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