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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2016

CORAM

THE HONOURABLE MR.JUSTICE V.S.RAVI

Cr1.O.P. (MD)No.3652 of 2016

Durai @ Pandhal Durai

..Petitioner/Sole Accused

Vs

The State represented by its
The Sub Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.36 of 2016)

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned II Additional Sessions Judge cum PCR Judge, Tirunelveli to consider the bail application of the petitioner on the very same day of his surrender pending investigation in connection with the Crime NO.36 of 2016 on the file of the respondent police.

For Petitioner

:Mr.S.R.Durai Raj

For Respondent

:Mr.P.Kandasamy

Government Advocate (Cr1.Side)

ORDER

The learned counsel for the petitioner submits that the petitioner has come forward with this petition seeking for a direction to the learned II Additional Sessions Judge cum PCR Judge, Tirunelveli to consider the bail application of the petitioner on the same day on his surrender in Crime No.36 of 2016 pending on the file of the respondent.

2. The case of the prosecution is that on 03.02.2016 at about 05.00 p.m., when the defacto complainant has removed the marriage functional flex boards, the petitioner came to the place of occurrence and questioned about the removal of the flex boards and abused him. On the complaint given by the defacto complainant, a case has been registered.

3. The learned counsel for the petitioner also submits that the petitioner has been implicated in this case for the alleged offences under Sections 294(b), 323, 506(ii) I.P.C. r/w Section 3 (1)(r), 3(1)(s), 3(2)Va of S.C. & S.T. Act, 2015 and that in view of the specific bar under Section 18 of the said Act, the petitioner cannot move any anticipatory bail application and therefore, the petitioner has come forward with the said prayer.



4. The learned Government Advocate(Crl.Side) takes notice for the respondent and also submits that the injured has already been discharged from the hospital.

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5. Considering the submissions of both sides and also considering the nature of the prayer in this case in view of the specific bar under Section 18 of the S.C. & S.T. (Prevention of Atrocities) Act that the petitioner cannot move any anticipatory bail, the learned II Additional Sessions Judge cum PCR Judge, Tirunelveli is directed to consider the bail application, in the event of the petitioner filing such petition in Crime No.36 of 2016 on the file of the respondent police, and dispose of the same on merits and in accordance with law on the same day.

With this observation, this petition is disposed of accordingly.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The II Additional Sessions Judge cum PCR Judge, Tirunelveli
- 2.The Sub Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.S.JEYAKARTHIK, Advocate Sr.No.11966
SSL
AA/SK-SKN/04.03.2016/2p-5c

Crl.O.P.(MD)No.3652 of 2016
01.03.2016