



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Criminal Original Petition (MD) No.4182 of 2016

Muthusamy

...Petitioner

vs.

State represented by
The Inspector of Police
Poovanthi Police Station
Sivagangai District
(Crime No.128 of 2011)

...Respondent

PRAYER: This petition is filed under Section 482 Cr.P.C to direct the learned Additional District Sessions Judge (PCR Court), Sivagangai District, to consider the petitioner bail application on the date of surrender on the same day in S.C.No.24 of 2012, on the file of the Additional District Sessions Judge (PCR Court), Sivagangai District.

For Petitioner : Mrs.A.Banumathy

For Respondent : Mrs.S.Prabha, G.A.(Crl.Side)

O R D E R

The learned counsel appearing for the petitioner has submitted that the petitioner has come forward with this petition seeking for a direction to the learned Additional District Sessions Judge (PCR Court), Sivagangai District, to consider the bail application of the petitioner on the same day on his surrender in S.C.No.24 of 2012, pending on the file of the Additional District Sessions Judge (PCR Court), Sivagangai District.

2. The learned counsel for the petitioner has also submitted that the petitioner has been implicated in this case for the alleged offences under Sections 323 I.P.C., r/w Section 3(1)(x) of S.C. & S.T. Act, 1989, 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.

3. The learned Government Advocate (Criminal Side), who takes notice for the respondent, has submitted that the petitioner has been absconding from 20.11.2015 and hence a non-bailable warrant has been issued by the Trial Court against the petitioner.

4. 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 petitioner is directed to surrender before the learned Additional District Sessions Judge (PCR Court), Sivagangai District and on such surrender the learned Additional District Sessions Judge (PCR Court), Sivagangai District, is directed to accept the surrender of the petitioner and consider his bail application, in the event of the petitioner filing such petition in S.C.No.24 of 2012, on the file of the respondent Police, and dispose of the same on merits and in accordance with law on the same day.



5. With the above observation, this criminal original petition is disposed of.

Sd/-
Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar(CS)

To

1.The Additional District Sessions Judge,
(PCR Court), Sivagangai District.

2.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.A.Banumathy, Advocate in SR.13668

Cr1.O.P(MD) .No.4182 of 2016
10.03.2016

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