



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2016

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Criminal Original Petition (MD) No.4262 of 2016

Petchinathan

... Petitioner

vs.

1. The Deputy Superintendent of Police,
Arulvaimozhi Police Station,
Kanyakumari District,
Kanyakumari.

2. The Inspector of Police,
Arulvaimozhi Police Station,
Kanyakumari District.

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C to direct the **(*) II Additional District Judge, PCR Court-Tirunelveli** to dispose of the bail application of the petitioner in connection with Cr. No.72 of 2016 pending investigation on the file of the respondents on merits on the same day of surrender.

For Petitioner : Mr.N.Shanmugaselvam

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

ORDER

The learned counsel appearing for the petitioner has submitted that the petitioner has come forward with this petition seeking for a direction to the **(*) II Additional District Judge, PCR Court-Tirunelveli** Act, to consider the bail application of the petitioner on the same day on his surrender in Crime No.72 of 2016, pending on the file of the respondent Police.

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 4 of T.N.W.H @ 4 of T.N.W.H.Act and Cr.P.C, (XX) ST/ST Act and POA Act, 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) takes notice for the respondents.

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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 II Additional District Judge, PCR court-Tirunelveli**, is directed to accept the surrender of the petitioner and consider his bail application, in the event of the petitioner filing such petition in Crime No.72 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.

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

Sd/-

Assistant Registrar (AE)

***Amended as per order of this Hon'ble
Court dated 29.3.16 made in Crl.MP(MD)
No.2666/2016 in Crl.OP(MD)4242/2016**

/True Copy/

sd/-

Assistant Registrar (T&P)

Sub Assistant Registrar

To

To be Substituted Order already despatched dated 21.03.2015

***1. The II Additional District Judge, PCR Court-Tirunelveli**

2. The District and Sessions Judge,
Kanyakumari District.

3. The Deputy Superintendent of Police,
Arulvaimozhi Police Station,
Kanyakumari District, Kanyakumari.

4. The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Arulvaimozhi Police Station,
Kanyakumari District.



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

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+ 1 CC TO M/C.N.SHANMUGA SELVAM, ADVOCATE IN SR NO. 14160

KRK

TE/JGB-DP/ : 21/03/2016 : 2P/6C

GJM/GSV/PM/7.4.16-3p-7c

Cr1.O.P(MD).No.4262 of 2016
14.03.2016