



BEFORE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD) No.5000 of 2016

WEB COPY

1.R.S.Murugan
2.Kumar

.. Petitioners/A1 & A2

Vs.

The State,
By the Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
(Crime NO.342 of 2016)

..Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider their bail application on the same day of their surrender in respect of Crime No.342 of 2016 on the file of the respondent, pending investigation.

For Petitioners :: Mr.Isaac Mohanlal
for Mr.D.Venkatesh

For Respondent :: Mrs.S.Prabha
Government Advocate

For Intervenor :: Mr.N.Ananda Padmanabhan

O R D E R

The learned counsel for the petitioners submits that the petitioners have come forward with this petition seeking for a direction to the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider the bail application of the petitioners on the same day on their surrender in Crime No.342 of 2016 pending on the file of the respondent.

2. The learned counsel for the petitioners also submits that the petitioners have been implicated in this case for the alleged offences under Sections 294(b), 323 & 506(i) I.P.C and Section 3(1)(r)(s) and 3 (II)(va) of S.C. & S.T. (Prevention of Atrocities) Act,2015 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 forward with the said prayer.

3.The learned Government Advocate(Cr1.side) takes notice for the respondent.

4.When the matter was taken up for hearing, Mr.Ananda Padmanabhan, learned counsel sought permission to intervene by placing reliance upon Section 15(A)(v) of SC/ST Act(POA) Amendment Act, 2014 and submitted that the victim has right to be heard in the proceedings. On a reading of the said Section, I am in agreement with the submission of learned counsel Mr.Ananda Padmanabhan, who opposed for grant of relief.



5. It is open to the victim to appear before the PCR Court to raise his objections.

6. Taking into consideration the facts and circumstances of the case, 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 petitioners cannot move any anticipatory bail, the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli, is directed to consider the bail application, in the event of the petitioners filing such petition in Crime No.342 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.

7. With this observation, this petition is disposed of accordingly.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)

To

1. Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

2. The II Additional District and Sessions Judge
(Special Court for PCR Cases),
Tirunelveli

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

+1cc to M/s.D.Venkatesh, Advocate in SR.16853

Cr1. O.P. (MD) No.5000 of 2016
24.03.2016

cm.

PBK/AAL-MPA/SAR-I 29/03/2016 ::2P-5C::