



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.6250 of 2016

1.V.Mose

2.Simiyon

: Petitioners/Accused Nos.1 & 2

Vs.

The Inspector of Police,
Nazarath Police Station,
Thoothukudi District,
(Crime No.92 of 2016)

: Respondent/Complainant

Prayer:- Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Second Additional District and Sessions Judge-cum-PCR Court, Tirunelveli to consider the Petitioners' bail application on the date of surrender before the Court in respect of Crime No.92 of 2016, on the file of the respondent Police on the same day.

For Petitioners

:M/s.S.R.Anbarasu

For Respondents

:Mr.A.P.Balasubramani

Government Advocate (Crl.side)

ORDER

The learned counsel for the petitioners submits that the petitioners have come forward with this petition seeking for a direction to the learned Second Additional District and Sessions Judge-cum-PCR Court, Tirunelveli to consider the bail application of the petitioners on the same day on their surrender in Crime No.92 / 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(ii) I.P.C., and 4 of TNPHW Act and r/w 3(1)(r)(s), 3(3)(s-a) of S.C. & S.T. (Prevention of Atrocities) Amendment 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 (Crl. Side) takes notice for the respondent.



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 petitioners cannot move any anticipatory bail, the learned Second Additional District and Sessions Judge-cum-PCR Court, Tirunelveli, is directed to consider the bail application, in the event of the petitioners filing such petition in Crime No.92 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(T&P)

/True copy/

Sub Assistant Registrar

RR

To

1.The Second Additional District and Sessions Judge
-cum-PCR Court, Tirunelveli.

2.The Inspector of Police,
Nazarath Police Station, Thoothukudi District,

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

+one cc to M/s.S.R.Anbarasu, Advocate in SR.No.20411

GJM/NGM-SS/AR-I/25.04.2016 :2P/5C

Order made in
Cr1.O.P. (MD) No.6250 of 2016
Dated:-12.04.2016