



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P (MD) No.7406 of 2016

WEB COPY

1.Muthukumar

2.Guna

..Petitioners/Accused Nos.4 & 6

Vs

The State,
By the Inspector of Police,
Courtallam Police Station,
Tirunelveli District.
(Crime No.103 of 2016)

..Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct 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.103 of 2016 on the file of the respondent pending investigation.

For Petitioners : Mr.D.Venkatesh

For Respondent : Mrs.S.Prabha

Government Advocate (Crl.Side)

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 their bail application on the same day of their surrender in respect of Crime No.103 of 2016 on the file of the respondent pending investigation.

2. The learned counsel for the petitioners also submits that the petitioners have been implicated in this case for the alleged offences under Sections 147, 341, 294(b), 323, 324 and 506(ii) of the Indian Penal Code and Section 3(1)(r)(s) and 3(2)(Va) of SC/ST (POA) 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 and submitted that the injured has already been discharged from the hospital.

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 II-Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli is directed to accept the surrender of the petitioners and consider the bail application, in the event of the petitioners filing such petition in Crime No.103 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 this observation, this petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

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Sub Assistant Registrar(CS)

To

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

2.The Inspector of Police,
Courtallam Police Station,
Tirunelveli District.

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

+1cc to M/s.D.Venkatesh, Advocate in SR.25278

Cr1.O.P (MD) No.7406 of 2016
28.04.2016

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PBK/AN-MP/SAR-I 06/05/2016 ::2P-5C::