

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 19.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.GOKULDAS**Crl.O.P.(MD)No.8151 of 2016**

Kapil @ Kapildev

.. Petitioner

Vs.

1. The Deputy Superintendent of Police,
Ramanathapuram District.

2. The Inspector of Police,
Devipattinam - Police Station,
Ramanathapuram District.
(Crime No.239 of 2016)

.. Respondents/Complainants

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the learned District and Sessions Court(Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Ramanathapuram to accept the surrender of the petitioner/accused and consider the petitioner's bail application and grant bail on the date of surrender itself in Crime No.239 of 2016 on the file of the respondent No.2 police.

For Petitioner

:: Mr.D.Balamurugapandi

For Respondents

:: Mrs.S.Prabha,

Government Advocate(Crl. Side)

O R D E R

The learned counsel for the petitioner submits that the petitioner has come forward with this petition seeking for a direction to the learned District and Sessions Judge(Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Ramanathapuram, to consider the bail application of the petitioner on the same day on his surrender in Crime No.239 of 2016 pending on the file of the second respondent.

2. The learned counsel for the petitioner also submits that the petitioner has been implicated in this case for the alleged offences under Sections 147, 341, 294(b), 323 I.P.C., r/w 3(1)(r), 3(1)(s) of SC/ST (POA) Amendment Ordinance Act 2014 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(Crl.Side), who takes notice for the respondents submit that injured has 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 petitioner cannot move any anticipatory bail, the learned District and Sessions Judge, (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Ramanathapuram is directed to consider the bail application, in the event of the petitioner filing such petition in Crime No. 239 of 2016 on the file of the second respondent, 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/Vacation Officer

/True copy/

Sub Assistant Registrar

To

1. The District and Sessions Judge,
(Special Court for Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989,
Ramanathapuram.
2. The Deputy Superintendent of Police,
Ramanathapuram District.
3. The Inspector of Police,
Devipattinam - Police Station, Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+one cc to M/s.D.Balamurugapandi, Advocate in SR.No.26803

pmu/vs

CSL/NGM-SS/SAR-I/26.05.2016 : 2P/5C