



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

WEB COPY

Crl.O.P.(MD).No.9164 of 2016

Murugan

.. Petitioner

Vs.

State rep.by the Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District
Crime No.58 of 2016

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Principal District Judge (PCR Court) Ramanathapuram to consider the bail application of the petitioner and dispose of the same on the same day in the event of his appearance before the Principal District Judge (PCR Court) Ramanathapuram in Crime No.58 of 2016 on the file of the respondent police, pending investigation.

For Petitioner : Mr.K.Kumaravel

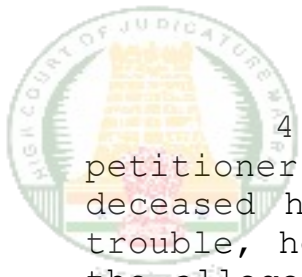
For Respondent : Mr.P.Kandasamy,
Government Advocate
(Criminal side)

ORDER

It is an application seeking a direction to the Principal District Judge (PCR Court) Ramanathapuram to consider the bail application of the petitioner on the same day of his surrender in Crime No.58 of 2016.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent.

3.The sum and substance of the complaint against the petitioner is that the petitioner asked the deceased Balamurugan to clean the septic tank of Kadalai Panchayat. At that time, one Ramasamy fell down into the septic tank and in order to rescue him, the deceased has got down into the septic tack and suffered breathing trouble and died. The said complaint has been originally registered in Crime No.58 of 2016 under Section 174 Cr.P.C., and subsequently altered into Sections 3(1)(i) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 2015 and 304 IPC.



4.It is represented by the learned counsel for the petitioner that only to rescue a person by name Ramasamy, the deceased has got down into the septic tank and due to breathing trouble, he died. The petitioner has no connection whatsoever with the alleged occurrence 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 up with this petition.

5.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the Government has already paid Rs.3,00,000/- as compensation to the family of the deceased and major part of investigation is already over.

6.Having regard to the facts and circumstances of the case, the petitioner is directed to surrender before the Court concerned within ten days from the date of receipt of a copy of this order and file a bail application. The Court concerned is directed to accept the surrender of the petitioner in Crime No.58 of 2016 and consider his bail application and dispose of the same on merits and in accordance with law, on the same day of his surrender.

7.With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS)

To

- 1.The Principal District Judge (PCR Court), Ramanathapuram.
- 2.The Inspector of Police, Kadaladi Police Station,
Ramanathapuram District
- 3.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.K.Kumaravel, Advocate, Sr.No.35278

mj

JM/SK-SKN/SAR-III/18.07.2016/2P-5C

Crl.O.P(MD)No.9164 of 2016
06.07.2016