



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALACr1.O.P.(MD) No.9639 of 2016

1 PANDI @ SIVANPANDI THEVAR
2 SUBRAMANIAN
3 MARISELVAM @ CYCLE KADAI MARI
4 SHANMUGAIAH THEVAR
5 MARUTHAIAH
6 RAMACHANDRAN
7 MATHI @ MATHIYALAGAN
8 KARUTHAPANDI
9 MURUGAIAH

... Petitioners/A2,A4 to A8, A14 & A15
Petitioner No.9 rank not known

- Vs. -

THE INSPECTOR OF POLICE
CHINNAKOVILANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 83/2016)

... Respondent.

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal procedure, praying to direct the learned IIInd Additional Sessions Judge (PCR Court) Tirunelveli District to consider the petitioner's bail application on the date of surrender on same day in Cr.No. 83/2016 on the file of the Inspector of Police, Chinnakavilankulam Police Station, Tirunelveli District

For Petitioners : Mr.V.Kathirvelu, Senior Counsel
For Mr.K.Prabhu,
For Respondent : Mr.A.P.Balasubramani
Govt. Advocate (Cr1.Side)

O R D E R

This petition has been filed, seeking to direct the learned II Additional Sessions Judge (P.C.R. Court), Tirunelveli District to consider the petitioners' bail application on the date of surrender on the same day in Crime No.83 of 2016 on the file of the respondent police.

2. Learned counsel for the petitioners submits that the 15 named and unnamed person have been implicated in this case for the alleged offences under Section 147, 148, 294(b), 323, 324, 307 and 506(ii) IPC r/w 3(1)(s), 3(1)(r), 3(2)(va) of SC/ST (PoA) Amendment Act, 2015 in Crime No.83 of 2016 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. Learned Government Advocate (Crl.Side) takes notice for the respondent and submits that injured sustained only simple injury and that the investigation is almost complete.

4. The allegation against the petitioners herein is that the petitioners along with other accused attacked the defacto complainant with sticks and abused him in filthy language by using the caste name.

5. 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 petitioners are directed to surrender before the II Additional Sessions Judge (P.C.R Court), Tirunelveli District within ten days from the date of receipt of a copy of this order. The learned II Additional Sessions Judge (P.C.R. Court), Tirunelveli District is directed to accept the surrender of the petitioners and consider their bail applications, in the event of the petitioners filing such petition in Crime No.83 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(AS)

/True Copy/

Sub Assistant Registrar.

To:

1. The II Additional Sessions Judge
(PCR Court), Tirunelveli.
2. The Inspector of Police,
Chinnakovilankulam Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.K.Prabhu, Advocate, SR.No. 37185

Crl.O.P.(MD) No.9639 of 2016
15.07.2016