

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.09.2017****CORAM:****THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN****Cr1.O.P. (MD) .No.12711 of 2017**

1.A.Muthukumar

2.M.Muthukumar

3.V.Esakkiappan .. Petitioners / Accused No.1, 5 &amp; 8

Vs.

1.The Deputy Superintendent of Police,  
Valliyoor, Tirunelveli District.2.The Inspector of Police,  
Radhapuram Police Station,  
Tirunelveli District.

(Crime No.180 of 2017) .. Respondents / Complainants

3.Gandhi .. 3<sup>rd</sup> respondent / Defacto Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the Special Judge for SC / ST (Prevention of Atrocities) Act, Additional District Judge No.II, Tirunelveli to consider the bail application of the petitioners on the same day of their surrender in Crime No.180 of 2017 on the file of the respondent police.

For Petitioners : Mr.P.Pethu Rajesh

For respondents 1 &amp; 2 : Mr.C.Ramesh

Additional Public Prosecutor

**ORDER**

This application has been filed seeking a direction to the Court, which is dealing with the SC/ST Act cases to consider the bail application on the day of surrender itself.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents 1 & 2.

3.The petitioners are arrayed as accused in Crime No.180 of 2017 in respect of the offences under Sections 147, 341, 342, 294 (b), 323, 355, 506(ii), 379 IPC along with section 3(1)(s), 3(2) (Va) 3 (1) (r) of SC / ST (POA) Act 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 petitioners have come forward with the said prayer.

4. Considering the submissions of both sides and also considering the nature of the prayer in this case and 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 Additional District Judge, No.II Tirunelveli, 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.180 of 2017 on the file of the respondent police and dispose of the same on merits and in accordance with law on the same day.

5. This petition is disposed of accordingly.

Sd/-

Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Court No.II  
Tirunelveli.

2. The Deputy Superintendent of Police,  
Valliyoor, Tirunelveli District.

3. The Inspector of Police,  
Radhapuram Police Station,  
Tirunelveli District.

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

+1cc to M/S.P.PETHU RAJESH, Advocate SR.No.81355

mm

MAS/SKN-RSK/SAR3:04.10.2017:2P-6C

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28.09.2017