



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.1527 of 2017

- 1.Rajkumar @ Lathe Raja
- 2.Mathiazhagan @ MLR.Mathi
- 3.Muthuraj
- 4.Appasamy Konar
- 5.Chinnadurai @ Jeyachandran
- 6.Saminathan @ Samu
- 7.Jeevanantham
- 8.Ilaiayaraja
- 9.Palanivel
- 10.Saravanan
- 11.Senthil
- 12.Balamurugan @ Balu
- 13.Velu @ Jeyavelmurugan

: Petitioners

Vs.

- 1.The Deputy Superintendent of Police,
Pattukottai,
Thanjavur District.

- 2.The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned First Additional District Judge (PCR Court), Thanjavur to consider the bail application on the surrender of the petitioners in connection with Crime No.609 of 2015 on the file of the second respondent on merits on the same day.

For Petitioners

: Mr.K.Suresh Kumar

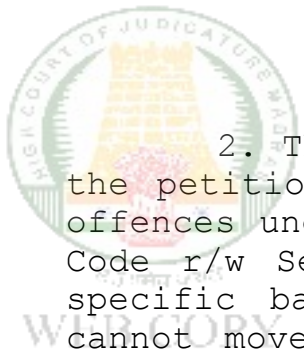
For Respondents

: Mr.A.P.Balasubramani,

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 First Additional District Judge (PCR Court), Thanjavur, to accept the surrender of the petitioners and consider the bail application on merits on the same day of their surrender, in Crime No.609 of 2015 pending on the file of the respondent police.



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, 294(b) and 506(ii) of the Indian Penal Code r/w Section 3(1)(x) of SC/ST Act 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 counsel for the petitioners also submitted that this is the second application and in the earlier application in CrI.O.P.(MD)No.18458 of 2015, this Court had passed orders on 25.09.2015. However, it is the case of the petitioners that in the earlier order, the petitioners had inadvertently mentioned the wrong Court, viz., 'Principal District and Sessions Judge, PCR Court, Thanjavur', instead of 'First Additional District Judge (PCR Court), Thanjavur' and, therefore, they are constrained to file this second application.

4. The learned Government Advocate (Criminal side) takes notice for the respondents and submits that the investigation in Crime No.609 of 2015 was completed and charge sheet was filed before the learned Judicial Magistrate, Pattukkottai.

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 learned First Additional District Judge (PCR Court), Thanjavur, in respect of Crime No.609 of 2015 on the file of the respondent police, within two weeks from the date of receipt of a copy of this order and on the petitioners' surrender and filing bail application in Crime No.609 of 2015, the learned First Additional District Judge (PCR Court), Thanjavur, in turn, is directed to accept their surrender, consider their bail application and dispose of the same on merits and in accordance with law on the same day.

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

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1.The First Additional District Judge (PCR Court),
<https://hcservices.ecourts.gov.in/hcservices/>
Thanjavur.

2.The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.



3.The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.

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

+1 cc to M/R.K.SURESH KUMAR, Advocate, SR.NO:13951
SML
SVA/BS/20.03.2017/3P/6C

Order made in
Cr1.O.P.(MD)No.1527 of 2017

Dated: 10.03.2017