



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.03.2017
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. (MD)No.1969 of 2017

S.Marivel : Petitioner / Accused No.3

Vs.

1.The State rep. by,
The Deputy Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli,
Tirunelveli District.

(Crime No.694 of 2015).

: Respondent / Complainant

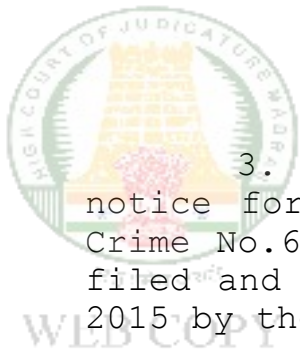
Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the Second Additional Sessions -cum- PCR Court, Tirunelveli District (Special Court for SC/ST Act Cases), to consider the bail application of the petitioner in Cr.No.694 of 2015 on the same date of surrender and dispose the same on its merits in accordance with law.

For Petitioner : M/s.S.Syed Ali Fathima
For Respondents : Mr.A.P.Balasubramani,
Government Advocate (Cr1.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 Second Additional Sessions -cum- PCR Court, Tirunelveli District (Special Court for SC/ST Act Cases), to accept the surrender of the petitioner and consider the bail application on merits on the same day of his surrender, in Crime No.694 of 2015 pending on the file of the respondent police.

2. The learned counsel for the petitioner also submits that the petitioner has been implicated in this case for the alleged offences under Sections 294(b), 324 of the Indian Penal Code and Section 3(1)(X) of SC/ST (Prevention of Atrocities) 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 petitioner has come forward with the said prayer.



3. The learned Government Advocate (Criminal side) takes notice for the respondents and submits that the investigation in Crime No.694 of 2015 has been completed and charge sheet has been filed and the same has also been taken on file as P.R.C.No.42 of 2015 by the learned Judicial Magistrate No.1, Tirunelveli.

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 petitioner is directed to surrender before the Second Additional Sessions -cum- PCR Court, Tirunelveli District (Special Court for SC/ST Act Cases), in respect of Crime No.694 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 petitioner's surrender and filing bail application in Crime No.694 of 2015, the Second Additional Sessions -cum- PCR Court, Tirunelveli District (Special Court for SC/ST Act Cases), in turn, is directed to accept his surrender, consider his bail application and dispose of the same on merits and in accordance with law on the same day.

5. With this observation, this petition is disposed of accordingly.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1.The Second Additional Sessions -cum-
PCR Court, Tirunelveli District
(Special Court for SC/ST Act Cases).

2.The Deputy Superintendent of Police,
Tirunelveli District.

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

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

+1 CC to M/s.S.SYED ALI FATHIMA, Advocate, SR No. 13948

SML

JS/MR/21.03.2017/2P/6C

<https://hcservices.ecourts.gov.in/hcservices/>

Order made in
Crl.O.P. (MD) No.1969 of 2017
09.03.2017