



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD)No.2536 of 2017

1.Rasuthevar
2.Saraswathy

: Petitioners/A2 & A3

Vs.

1.The Deputy Superintendent of Police,
Usilampatti Sub-Division,
Madurai District.
2.The Inspector of Police,
All Women Police Station,
Madurai District.
(Crime No.56 of 2016).

: Respondents/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the Third Additional Sessions Court (PCR), Madurai, Madurai District, to accept the surrender of the petitioners and consider their bail application on merits on the date of surrender in Crime No.56 of 2016 on the file of the second respondent police on the very same day.

For Petitioner : Mr.C.Bethanasamy
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 Third Additional Sessions Judge (PCR), Madurai, Madurai District, to accept the surrender of the petitioners and consider their bail application on merits on the same day of their surrender, in Crime No.56 of 2016 pending on the file of the second respondent police.

2.It is the case of the prosecution that Thirupathi (A1) promised to marry the defacto complainant and said to have entered into a contract with her and thereafter gone back on his words. Under the circumstances the F.I.R. in Crime No.56 of 2016 has been



registered against the said Thirupathi and his parents, the petitioners herein.

3. The learned counsel for the petitioners submits that the petitioners have been implicated in this case for the alleged offences under Sections 366, 417, 376, 506(i), 109 I.P.C. r/w Section 3(1)(w)(i) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 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.

4. The learned Government Advocate (Criminal side) takes notice for the respondents and submits that A1 was already arrested and released on bail by the III Additional District Judge (PCR), Madurai on 09.01.2017 in CrI.M.P.No.3855 of 2016.

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 III Additional District Judge (PCR), Madurai, in respect of Crime No.56 of 2016 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.56 of 2016, the learned III Additional District Judge (PCR), Madurai, 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 this observation, this petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

sj

To

1. The Third Additional Sessions Court (PCR),
Madurai, Madurai District.

<https://hcservicescourtservice.scribd.com>
2. The Deputy Superintendent of Police,
Usilampatti Sub-Division,
Madurai District.



3.The Inspector of Police,
All Women Police Station,
Madurai District.

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

+1 cc to MR.C.BETHANASAMY, Advocate SR.No.14004

Order made in
Crl.O.P. (MD) No.2536 of 2017
09.03.2017

SMA/SKN-RSK/20.03.2017:3P/6C