



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.2692 of 2017

1.T.P.Balagopalan

2.Kishore Kumar

: Petitioners/Accused No.1&2

Vs.

1.The State represented by,

The Deputy Superintendent of Police,

Cheranmaha Devi Sub Division,

Tirunelveli District.

2.The Inspector of Police,

Mukkudal Police Station,

Tirunelveli District.

(Crime No.171 of 2016).

: Respondents/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned II Additional Sessions Judge (Special Court for SC/ST Act cases), Tirunelveli, to accept the surrender of the Petitioner and consider the Petitioner's bail application and grant bail on the date of surrender itself in Crime No.171/2016 dated 25.11.2016 on the file of the Respondent.

For Petitioners

: Mr.R.Anand

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 Second Additional District & Sessions Judge, PCR Court, Tirunelveli, to accept the surrender of the petitioners and consider the bail application on merits on the same day of their surrender, in Crime No.171 of 2016 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 294(b) and 506(i) of the Indian Penal Code r/w 3(1)(r), 3(1)(S), 3(2)(Va) of SC/ST (Prevention of Atrocities) Act, 1989 and the Scheduled Caste and Scheduled Tribes (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.

3. The learned Government Advocate (Criminal side) takes notice for the respondents and submitted that the petitioners have no previous case and no injury has been caused in the occurrence.

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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 petitioners cannot move any anticipatory bail, the petitioners are directed to surrender before the learned Second Additional District & Sessions Judge, PCR Court, Tirunelveli, in respect of Crime No.171 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.171 of 2016, the learned Second Additional District & Sessions Judge, PCR Court, Tirunelveli, 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.

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

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Second Additional District &
Sessions Judge, PCR Court,
Tirunelveli.

2.The Deputy Superintendent of Police,
Cheranmaha Devi Sub Division,
Tirunelveli District.

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

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

+1cc to Mr.Anand,Advocate in SR.14165

Order made in
Crl.O.P.(MD)No.2692 of 2017
Dated: 10.03.2017