



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH**Crl.O.P. (MD) No.2716 of 2017**

1. Muruganandam
2. Gunasekaran
3. Ganasekaran

: Petitioners

Vs.

State rep. by
The Inspector of Police,
Pudhalur Police Station,
Thanjavur District.
(Crime No.157 of 2015).

: Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Special Judge for SC/ST (Prevention of Atrocities) Act/I Additional District and Sessions Judge (PCR), Thanjavur to consider the bail application for the petitioners on the same day of their surrender in Crime No.157 of 2015 on the file of the respondent police.

For Petitioners : Mr.P.Babu
For Respondent : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

ORDER

The learned counsel for the petitioners submits that the petitioners have come forward with this petition seeking for a direction to the learned Special Judge for SC/ST (Prevention of Atrocities) Act/I Additional District and Sessions Judge (PCR), 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.157 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 294(b), 352, 341 of the Indian Penal Code and Sections 3(1)(v) and 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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 Government Advocate (Criminal side) takes notice for the respondents.

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 Special Judge for SC/ST (Prevention of Atrocities) Act/I Additional District and Sessions Judge (PCR), Thanjavur, in respect of Crime No.157 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.157 of 2015, the learned Special Judge for SC/ST (Prevention of Atrocities) Act/I Additional District and Sessions Judge (PCR), Thanjavur, in turn, is directed to accept their surrender, consider their bail application on merits and in accordance with law on the same day.

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

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Special Judge for SC/ST (Prevention of Atrocities) Act/
I Additional District and Sessions Judge (PCR),
Thanjavur.

2.The Inspector of Police,
Pudhalur Police Station,
Thanjavur District.

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

+1 CC to MR.P.BABU, Advocate, SR No. 14340

SML

PSM/SV-MMS/SAR3/07.04.2017/2P/5C

Order made in
Crl.O.P. (MD) No.2716 of 2017
Dated: 13.03.2017