



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.2724 of 2017

WEB COPY

Moorthy

: Petitioner/Accused No.2

Vs.

1.The Deputy Superintendent of Police,
Sivagangai Division,
Sivagangai.

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.

(Crime No.244 of 1999).

: Respondents/Complainant.

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to pass an order permitting the petitioner to surrender before the learned Principal Sessions Judge, Sivagangai (PCR Court), in connection with S.C.No.316 of 2009 in Crime No.244 of 1999 on the file of the second respondent police and file an application for the grant of bail on the same day and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.

For Petitioner

: Mr.A.Uthayakumar

For Respondents

: Mr.A.P.Balasubramani,

Government Advocate (Crl.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 learned Principal Sessions Judge, Sivagangai (PCR Court), to accept the surrender of the petitioner and consider the bail application on merits on the same day of his surrender, in S.C.No.316 of 2009 relating to Crime No.244 of 1999 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 365, 342 and 506(ii) of the Indian Penal Code r/w 3(1)(x) of SC/ST (Prevention of Atrocities) Act, 1989, 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.

4. The fact remains that the police have not been able to execute the non-bailable warrant from the year 2012, on account of which, the Trial Court has not been able to make any progress in the trial. Under such circumstances, this Court is of the view that it will be in the interest of justice, if the petition is ordered on terms.

5. Accordingly, this petition is ordered on the following terms:

(i) The petitioner is directed to surrender before the learned Principal Sessions Judge, Sivagangai (PCR Court), in respect of Crime No.244 of 1999, which is now pending as S.C.No.316 of 2009, within two weeks from the date of receipt of a copy of this order;

(ii) On the petitioner's surrender and filing bail application in S.C.No.316 of 2009 relating to Crime No.244 of 1999 pending on the file of the respondent police, the learned Principal Sessions Judge, Sivagangai (PCR Court), in turn, is directed to accept his surrender, consider his bail application on merits and in accordance with law on the same day.

(iii) On surrender, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of S.C.No.316 of 2009 on the file of the learned Principal Sessions Judge, Sivagangai (PCR Court), and the said amount may be disbursed, at the end of the trial, either as compensation to the victim or otherwise, as the case may be.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Sessions Judge, Sivagangai (PCR Court).

2.The Deputy Superintendent of Police, Sivagangai Division, Sivagangai.

3.The Inspector of Police, Sivagangai Taluk Police Station, Sivagangai District.

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