



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASHCrl.O.P. (MD) No.2732 of 2017

1. Gowthaman
2. Kannathasan

: Petitioners/Accused No.1 & 2

Vs.

1. The Deputy Superintendent of Police,
Orathanadu,
Thanjavur District.

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

(Crime No.197 of 2016).

: Respondents/Complainants

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned First Additional District and Sessions Judge (PCR Court), Thanjavur, to consider the bail application on same day on the petitioners surrender in connection with P.R.C.No.23 of 2017 on the file of the District Munsif -cum- Judicial Magistrate, Orathanadu.

For Petitioners

: Mr.G.Karnan

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 First Additional District and Sessions Judge (PCR Court), 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.197 of 2016, which is now pending as P.R.C.No.23 of 2017 on the file of the learned District Munsif -cum- Judicial Magistrate, Orathanadu.

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), 323, 324, 506(ii) of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(Va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, and that in view of the provisions 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 submits that the injured has been discharged from the hospital.

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 First Additional District and Sessions Judge (PCR Court), Thanjavur, in respect of Crime No.197 of 2016 on the file of the respondent police, which is now pending as P.R.C.No.23 of 2017 on the file of the learned District Munsif -cum- Judicial Magistrate, Orathanadu, 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.197 of 2016, the learned First Additional District and Sessions Judge (PCR Court), 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

/True Copy/

Sub Assistant Registrar

To

- 1.The First Additional District and Sessions Judge
(PCR Court), Thanjavur.
- 2.The District Munsif -cum- Judicial Magistrate,
Orathanadu.
- 3.The Deputy Superintendent of Police,
Orathanadu,
Thanjavur District.
- 4.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.G.Karnan, Advocate, Sr No.2732

Order made in
Crl.O.P. (MD) No.2732 of 2017
Dated: 13.03.2017