



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Cr1.O.P. (MD)No.3370 of 2017

1.Stephenraj

2.Gowtham

3.Maheswaran

[wrongly mentioned in the FIR as Mahesh]

4.Sethuraman

5.Manikandan

[wrongly mentioned in the FIR as Mani]:Petitioners/Accused 2 to 6

Vs.

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

2.State rep. by Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(Crime No.124 of 2017)

: 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 accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.124 of 2017, dated 14.03.2017 on the file of the respondent police.

For Petitioners

: Mr.M.Karunanithi

For Respondents

: Mr.K.Anbarasan,

Government Advocate (Cr1.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 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.124 of 2017 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 services rendered by them under Sections 147, 341, 294(b) and 323 of the Indian Penal Code r/w Sections 3(1)(r), 3(1)(s) and 3(2)(5a)(a) 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.

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 First Additional District and Sessions Judge (PCR Court), Thanjavur, in respect of Crime No.124 of 2017 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.124 of 2017, the learned First Additional District and Sessions Judge (PCR Court), Thanjavur, in turn, is directed to accept their surrender and 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 (RTI)

/True copy/

Sub Assistant Registrar

To

1.The First Additional District and Sessions Judge
(PCR Court), Thanjavur.

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

3.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

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

+1 CC to M/s.M.KARUNANITHI, Advocate, SR No. 16947

SML

PSM/RR/SAR3/28.03.2017/2P/6C