



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.3372 of 2017

Mahesh @ Makesh

: Petitioner/3rd Accused

Vs.

1.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

2.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
(Crime No.44 of 2017).

:Respondents/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Principal Sessions Judge -cum- PCR Judge, Ramanathapuram to consider the bail application of the petitioner in Cr.No.44 of 2017 on the very same date of his surrender and to dispose the same on its merits in accordance with law.

For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.K.Anbarasan,
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 -cum- PCR Judge, Ramanathapuram, to accept the surrender of the petitioner and consider the bail application on merits on the same day of his surrender, in Crime No.44 of 2017 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 147, 148, 294(b), 324, 506(ii) of the Indian Penal Code and Section 3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, and that in view of the provisions 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 and submits that the injured has been discharged from the hospital. He further submits that the first accused was arrested and still he is in custody.

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 petitioner cannot move any anticipatory bail, the petitioner is directed to surrender before the learned Principal Sessions Judge -cum- PCR Judge, Ramanathapuram, in respect of Crime No.44 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 petitioner's surrender and filing bail application in Crime No.44 of 2017, the learned Principal Sessions Judge -cum- PCR Judge, Ramanathapuram, in turn, is directed to accept his surrender and consider his 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(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Sessions Judge -cum- PCR Judge,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

3.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.

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

+1CC to M/S. M.S.Jeyakarthik, Advocate, SR.No. 17272

Order made in

Cr1.O.P.(MD)No.3372 of 2017

Dated: 23.03.2017