



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

WEB COPY

Cr1.O.P.(MD)No.3474 of 2017

1.Santhip @ Santhipkumar

2.Hari @ Hariharan

: Petitioners/Accused No.1 & 2

Vs.

State by Inspector of Police,
Bhoothalur Police Station,
Thanjavur District.

Cr.No.53 of 2017.

: Respondent/Complainant

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 -cum- Special Court under P.C.R. Act Cases, Thanjavur, to accept the surrender of the petitioners and consider the bail application on the date of surrender in connection with Cr.No.53 of 2017 on the file of the respondent police on the very same day.

For Petitioners

: Mr.R.Mathiyalagan

For Respondent

: Mr.A.P.Balasubramani,
Government Advocate (Cr1.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 -cum- Special Court under P.C.R. Act Cases, 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.53 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 alleged offences under Sections 294(b) and 323 of the Indian Penal Code r/w Sections 3(1)(r) and 3(2)(Va) 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.

<https://hcservices.ecourts.gov.in/hcservices/> Learned Government Advocate (Criminal side) takes notice for the respondent.



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 -cum- Special Court under P.C.R. Act Cases, Thanjavur, in respect of Crime No.53 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.53 of 2017, the learned First Additional District and Sessions Judge -cum- Special Court under P.C.R. Act Cases, 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 (CS-III)

/True copy/

Sub Assistant Registrar

To

- 1.The First Additional District and Sessions Judge
-cum- Special Court under P.C.R. Act Cases,
Thanjavur.
- 2.The Inspector of Police,
Bhoothalur Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.J.Muneer khan Advocate SR.No.17785

Order made in
Cr1.O.P.(MD)No.3474 of 2017
Dated: 24.03.2017

JM/RSK/SAR 2/28.03.2017/2P/5C