



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASHCrI.O.P. (MD) No. 3541 of 2017

Jenith Aristatil

: Petitioner

Vs.

State rep. by

1. The Inspector of Police,
Vadakadu Police Station,
(In Cr.No.50 of 2017),
Pudukkottai District.

2. The Deputy Superintendent of Police,
Alangudi,
Pudukkottai District.

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Principal District and Sessions Judge, Pudukkottai, Pudukkottai District, under the SC/ST (POA) Amendment Act, 2015, to accept the surrender of the petitioner and consider the bail application on merits on the same day in connection with Cr.No.50 of 2017 on the file of the first respondent.

For Petitioner : Mr.A.Prasanna Rajadurai,
For Mr.S.Muthalraj

For Respondents : Mr.A.P.Balasubramani,
Government Advocate (CrI.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 District and Sessions Judge, Pudukkottai, Pudukkottai District under the SC/ST (POA) Amendment Act, 2015, to accept the surrender of the petitioner and consider the bail application on merits on the same day of his surrender, in Crime No.50 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 294(b) and 323 of the Indian Penal Code r/w Sections 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, and that in view of the specific provisions on 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 and submits that the injured has been discharged from the hospital. He further submits that there is no previous case against this petitioner.

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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 District and Sessions Judge, Pudukkottai, Pudukkottai District under the SC/ST (POA) Amendment Act, 2015, in respect of Crime No.50 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.50 of 2017, the learned Principal District and Sessions Judge, Pudukkottai, Pudukkottai District under the SC/ST (POA) Amendment Act, 2015, 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

/True Copy/

Sub-Assistant Registrar

To

1.The Principal District and Sessions Judge,
Pudukkottai, Pudukkottai District.

2.The Deputy Superintendent of Police,
Alangudi, Pudukkottai District.

3.The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.

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

+One cc to Mr.Na.Palaniyandi, Advocate, SR.No.18023

SML

RL/6C/2P/KP/SAR3/6.4.2017

Order made in
Cr1.O.P.(MD)No.3541 of 2017