



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.3744 of 2017

J.Athavan : Petitioner

Vs.

1. The Deputy Superintendent of Police,
Samayanallur,
Madurai District.

2. The Inspector of Police,
Samayanallur Police Station,
Madurai District.

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Third Additional District and Sessions Judge (PCR), Madurai to consider the bail application of the petitioner/sole accused, if any, filed by him on his surrender on the same day in Crime No.141 of 2017 on the file of the second respondent police.

For Petitioner : Mr.R.Vijayagopal
For Respondents : Mr.A.P.Balasubramani,
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 Third Additional District and Sessions Judge (PCR), Madurai, to accept the surrender of the petitioner and consider the bail application on merits on the same day of his surrender, in Crime No.141 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) of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(1)(v) of SC/ST (Prevention of Atrocities) Amendment, and that in view of the specific bar under Section 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.

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 Third Additional District and Sessions Judge (PCR), Madurai, in respect of Crime No.141 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.141 of 2017, the learned Third Additional District and Sessions Judge (PCR), Madurai, 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. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Third Additional District and Sessions Judge (PCR),
Madurai.
2. The Deputy Superintendent of Police,
Samayanallur,
Madurai District.
3. The Inspector of Police,
Samayanallur Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.R.Vijaya Gopal, Advocate, SR.No. 50267

Order made in
Cr1.O.P. (MD) No.3744 of 2017
Dated: 05.04.2017

SML