



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.4054 of 2017

1. Rajasekar

2. Kailasam

: Petitioners/Accused Nos.1 and 3

Vs.

1. Deputy Superintendent of Police,

Orathanadu,

Thanjavur District.

2. The Inspector of Police,

Pappanadu Police Station,

Thanjavur District.

: Respondents/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the I Additional District and Sessions Judge (P.C.R. Court), Thanjavur to consider the bail application on same day on his surrender in connection with Crime No.58 of 2017 on the file of the 2nd respondent police.

For Petitioners

: Mr.D.R.Murugesan

For Respondents

: Mr.A.P.Balasubramani,

Government Advocate (Crl.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 I Additional District and Sessions Judge (P.C.R. 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.58 of 2017 pending on the file of the second 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) 323 and 506(ii) of the Indian Penal Code r/w Section 3(1)(r)(s), 3(2)(vat) of SC/ST Act (POA) Amendment Act, 2015 and that in view of the specific bar under Section 18 of the said Act, the petitioners cannot move any application for 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 I Additional District & Sessions Judge (P.C.R. Court), Thanjavur in respect of Crime No.58 of 2017 on the file of the second 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.58 of 2017, the learned I Additional District & Sessions Judge (P.C.R. 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(CO)

/True Copy/

Sub Assistant Registrar

To

1. I Additional District & Sessions Judge (P.C.R. Court),
Thanjavur
2. Deputy Superintendent of Police,
Orathanadu,
Thanjavur District.
3. The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.D.R.Murugesan, Advocate, SR.No. 51032

**Order made in
Cr1.O.P. (MD) No.4054 of 2017
Dated: 07.04.2017**

jikr

MKV-SKN-SAR 3/10.4.2017/2P-6C