



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

CrI.O.P.(MD)No.410 of 2017

1.Silambarasi

2.Siranjeevi

... Petitioners/Accused Nos.1 & 2

Vs.

1.State rep. by

The Deputy Superintendent of Police,
Melur, Madurai District.

2.State rep. by

Inspector of Police,
Melur Police Station,
Madurai District.

(Crime No.1158 of 2016)

... Respondents/Complainants

PRAYER : Petition filed under Section 482 of Criminal Procedure Code, seeking direction to direct the III Additional District and Sessions Judge Madurai (PCR Court) to consider the bail application to be filed by the Petitioner on the same day in Crime No.1158 of 2016 on the file of 2nd respondent pending investigation with such terms and condition imposed by this Honourable Court.

For Petitioners

:Mr.S.MP.Amalan

For Respondents

:Mr.K.Anbarasan

Government Advocate (CrI. Side)

ORDER

This Criminal Original Petition has been filed seeking direction to the learned III Additional District and Sessions Judge Madurai (PCR Court) to consider the bail application to be filed by the Petitioners on the same day in Crime No.1158 of 2016 on the file of 2nd respondent.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. side) for the respondents.

3.The provisions under Section 438 Cr.P.C. is not applicable



to the offences committed under the SCST (Prevention of Atrocities) Act, as per Section 18 of the said Act. Therefore, the petitioners seek the above direction.

4. The petitioners are alleged to have committed the offences punishable under Sections 147, 448, 294(b), 323, 506(ii) and Section 3(2)(va) of SC/ST (Prevention of Atrocities) Act.

5. Considering the nature of the offences and the request made by the petitioners, this Court issues the following direction:-

"The petitioners are directed to surrender before the learned III Additional District and Sessions Judge Madurai (PCR Court), within ten days from the date of receipt of a copy of this order and to file bail application. The learned III Additional District and Sessions Judge Madurai (PCR Court), is directed to accept the surrender of the petitioners in Crime No.1158 of 2016 and consider the petitioners' bail application and dispose of the same on merits and in accordance with law, on the same day of their surrender."

6. This Criminal Original Petition is ordered accordingly.

Sd/
Assistant Registrar(CS-II)

O/TRUE COPY/

Sub Assistant Registrar

To

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

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

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

+1cc to M/s.M.S.JEYAKARTHIK, Advocate, in SR No.2630

RJ2

JS/SS2/KSM/23.01.2017/2p-5c



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12.01.2017