

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 17.04.2017****CORAM:****THE HONOURABLE MR. JUSTICE P.N. PRAKASH****Crl.O.P. (MD) No. 4468 of 2017**

Balamanikandan

: Petitioner/Accused No.1

Vs.

1. The Deputy Superintendent of Police,
Theni District,
Theni.

2. The State rep. by the
Inspector of Police,
Palanichettipatty Police Station,
Theni District.

(In Crime No.235 of 2017).

: Respondents/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Principal District Judge (PCR Cases), Theni, to consider the surrender and bail application filed by the petitioner in Crime No.235 of 2017 on the file of the respondent police on the same day and pass order.

For Petitioner : M/s.Ajmal Associates

For Respondents : Mr.K.Anbarasan,

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 Principal District Judge (PCR Cases), Theni, to accept the surrender of the petitioner and consider the bail application on merits on the same day of his surrender, in Crime No.235 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), 323, 324 and 506(i) of the Indian Penal Code and Section 3(1)(r)(s) and 3(2)(va) of SC/ST Act, 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 and submits that the injured has been discharged from the hospital.

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 Judge (PCR Cases), Theni, in respect of Crime No.235 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.235 of 2017, the learned Principal District Judge (PCR Cases), Theni, 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 petition is disposed of with the above direction.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge (PCR Cases),
Theni.
2. The Deputy Superintendent of Police,
Theni District,
Theni.
3. The Inspector of Police,
Palanichettipatty Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.Ajmal Associates, Sr.No.52324
sml

vb/sv/mms/sar3/21.04.2017/2p/6c