



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.4798 of 2017

Paramasivan :Petitioner/Accused No.5

Vs.

The State Rep. by

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Alangulam Range,
Tirunelveli District.

2.The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

(Crime No.94 of 2017).

: Respondents/Complainants

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Second Additional District and Sessions Judge (PCR Court), Tirunelveli, to consider his bail application to be filed by the petitioners on their surrender in Crime No.94 of 2017 on the file of the respondent police on the same day on merits.

For Petitioner : Mr.K.Sivabalan

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 Second Additional District and Sessions Judge (PCR Court), Tirunelveli, to accept the surrender of the petitioner and consider the bail application on merits on the same day of his surrender, in Crime No.94 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 147, 294(b), 323 and 506(ii) of the Indian Penal Code and Sections 3(1)(r) and 3(2)(Va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, 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 Second Additional District and Sessions Judge (PCR Court), Tirunelveli, in respect of Crime No.94 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.94 of 2017, the learned Second Additional District and Sessions Judge (PCR Court), Tirunelveli, 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 (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Second Additional District and Sessions Judge (PCR Court),
Tirunelveli.

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Alangulam Range, Tirunelveli District.

3. The Inspector of Police, Alangulam Police Station,
Tirunelveli District.

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

+1CC to M/S.K.Sivabalan, Advocate, SR.No. 53045

Order made in

Cr1.O.P.(MD)No.4798 of 2017

Dated: 20.04.2017