



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.04.2017
CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Crl.O.P.(MD)Nos.4878 and 4879 of 2017

Crl.O.P.(MD)No.4878 of 2017:

Manian : Petitioner/Sole Accused

Vs.

1. The Deputy Superintendent of Police
Pattukkottai Sub-Division,
Pattukkottai,
Thanjavur District.

2. The Inspector of Police
Pappanadu Police Station
Pappanadu,
Thanjavur District.
(Crime No.214 of 2000)

: Respondents/Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned I-Additional District & Sessions Judge (PCR Court), Thanjavur, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to P.R.C.No.35/2012 pending on the file of the learned District Munsif cum Judicial Magistrate, Orathanadu.

For Petitioner : Mr.M.Karunanithi
For Respondents : Mr.K.Anbarasan
Government Advocate (Crl.side)

Crl.O.P.(MD)No.4879 of 2017:

Manian : Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur District,
Thanjavur.

2.The Assistant Superintendent of Police,
Pattukkottai Sub-Division,
Pattukkottai, Thanjavur District.



3.The Inspector of Police
Pappanadu Police Station
Pappanadu, Thanjavur District.
(Crime No.214 of 2000)

: Respondents

WEB COPY

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the 1st respondent police to withdraw the Look Out Circular Notice NO. LOC No.C1/20310/2015 dated 01.07.2015 as against the petitioner in connection with the Crime No.214 of 2000 on the file of the 3rd respondent police and consequently direct the 1st respondent to communicate the order of lifting of travel restriction imposed in pursuant to abovesaid Look Out Circular to the Immigration Offices.

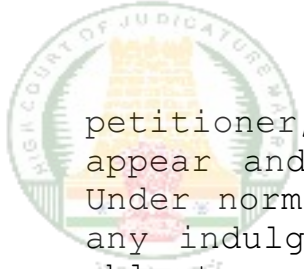
For Petitioner : Mr.M.Karunanithi
For Respondents : Mr.K.Anbarasan
Government Advocate (Crl.side)

COMMON ORDER

Crl.O.P.(MD) No.4878 of 2017 has been filed to direct the learned learned I-Additional District & Sessions Judge (PCR Court), Thanjavur, to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to P.R.C.No.35/2012 pending on the file of the learned District Munsif cum Judicial Magistrate, Orathanadu.

2.Crl.O.P.(MD) No.4879 of 2017 has been filed to direct the 1st respondent police to withdraw the Look Out Circular Notice NO. LOC No.C1/20310/2015 dated 01.07.2015 as against the petitioner in connection with the Crime No.214 of 2000 on the file of the 3rd respondent police and consequently direct the 1st respondent to communicate the order of lifting of travel restriction imposed in pursuant to above said Look Out Circular to the Immigration Offices.

3. The Police registered a case in Crime No.214 of 2000 against 13 accused including petitioner herein, who was shown as A3. After completing the investigation, the police filed a charge sheet in P.R.C.No.9 of 2002 against 13 accused and since the petitioner was in abscondance, the case against the petitioner has been split up as P.R.C.No.35 of 2012. P.R.C. No.9/2002 was committed to the Court of Sessions in S.S.C.No.17 of 2011 and charges were framed for offences under Sections 148, 451, 323, 380 (i) IPC and Sections 3(2)(iii), 3(1)(xi) and 3(1)(x) of SC/ST (POA) Act, 1989 against 9 available accused and they were accepted by the I Additional District and Sessions Judge, (PCR Court), Thanjavur on 01.03.2016. Under such circumstances, the



petitioner, who has all along been abroad, is now willing to appear and surrender before the committal Court and face trial. Under normal circumstances, an absconding accused cannot be shown any indulgence. However, in this case, the police have not been able to secure the petitioner from 2002. That apart, the trial as against other accused had ended in acquittal, as could be seen from the judgment dated 01.03.2016 in S.C.C.No.17 of 2011.

4. Heard the learned Government Advocate (Crl. side) for the respondents.

5. 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 I Additional District & Sessions Judge (PCR Court), Thanjavur, in respect of Crime No.214 of 2000 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. 214 of 2000 the learned I Additional District & Sessions Judge (PCR Court), Thanjavur, in turn, is directed to accept his surrender and consider his bail application on merits and in accordance with law on the same day.

6. The petitioner shall surrender his passport on the day of his appearance before the Special Court for SC/ST cases and shall not leave the country without the permission of the Special Judge for SC/ST Cases, Thanjavur. The respondent is directed to recall the Look Out Circular immediately.

7. With the above directions, these petitions are disposed of.

Sd/-
Assistant Registrar (CS II)

/True Copy/

Sub Assistant Registrar

To

1. The I Additional District &
Sessions Judge, PCR Court,
Thanjavur.

2. The District Munsif-cum-Judicial Magistrate,
Orathanadu.

3. The Deputy Superintendent of Police
Pattukkottai Sub-Division,
Pattukkottai, Thanjavur District.



4.The Inspector of Police
Pappanadu Police Station
Pappanadu, Thanjavur District.

5.The Superintendent of Police,
Thanjavur District,Thanjavur.

6.The Assistant Superintendent of Police,
Pattukkottai Sub-Division,
Pattukkottai,Thanjavur District.

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

+2cc to Mr.M.Karunanithi,Advocate,SR.Nos.53300,53402

Cr1.O.P.(MD)Nos.4878 and 4879 of 2017
Dated: 21.04.2017

MRN/RR
kk/SKN RSK/SAR3-21.04.2017-4P-10C