



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

Crl.O.P.(MD)No.4960 of 2017

WEB COPY

Ashok @ Mahesh

: Petitioner/Accused No.8

Vs.

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

2. State Rep through
The Inspector of Police,
Naducauveri Police Station,
Thanjavur District.

(Crime No.64 of 2017)

: Respondents/Complainants

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 (Special Court for PCR cases), Thanjavur to accept the surrender of the petitioner and consider his Bail application on the same day in connection with Crime No.64 of 2017 on the file of the respondent police.

For Petitioners

: Mr.K.Kumaravel

For Respondents

: Mr.A.P.Balasubramani

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 I Additional District and Sessions Judge (Special Court for PCR cases), Thanjavur to consider the Bail application of the petitioner on the same date of surrender in Crime No.64 of 2017 on the file of the second 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 Section 323 of IPC and Section 3(1)(s) of the SC/ST (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 submitted that injured has been discharged from the hospital.

<https://hcservices.ecourts.gov.in/hcservices/> normal circumstances, for an offence under Section 307 of Indian Penal Code, an usual order of surrender will not be

passed by this Court. However, in this case, it is seen that it is a case and counter, namely, Crime Nos.64 and 65 of 2017 and that the name of the petitioner does not figure in the FIR and he has also been implicated based on the confession statement of the co-accused.

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 I Additional District and Sessions Judge (Special Court for PCR cases), Thanjavur, in respect of Crime No.64 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 petitioner's surrender and filing bail application in Crime No.64 of 2017, the I Additional District and Sessions Judge (Special Court for PCR cases), 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. With the above direction, this petition is disposed of.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The I Additional District and Sessions Judge,
(Special Court for PCR Cases), Thanjavur.
2. The Deputy Superintendent of Police,
Papanasam, Thanjavur District.
3. The Inspector of Police,
Naducaveri Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.K.KUMARAVEL, Advocate SR.No. 53707

Order made in
Cr1.O.P. (MD) No.4960 of 2017
24.04.2017