



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Crl.O.P.(MD)No.5356 of 2017

1.R.Lenin
2.S.Raja Mohan @ Mohan
3.R.Athisayaraj
4.R.Yasuthasan Rajakumar @ Yesuraj : Petitioners/
Accused Nos.1 to 4

Vs.

State rep. by,
Inspector of Police,
Kalakad Police Station,
Crime No.156/2017,
Tirunelveli District. : Respondent/complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Second Additional Sessions Judge (PCR Court), Tirunelveli, Tirunelveli District, to consider the petitioners' bail application on the date of surrender on the same day in Crime No.156 of 2017 on the file of Kalakad Police Station, Tirunelveli District.

For Petitioners : Mr.K.Prabhu
For Respondent : Mr.P.Kandasamy,
Government Advocate (Crl.side)

O R D E R

The learned counsel for the petitioners submits that the petitioners have come forward with this petition seeking for a direction to the learned Second Additional Sessions Judge (PCR Court), Tirunelveli, Tirunelveli District, to accept the surrender of the petitioners and consider the bail application on merits on the same day of their surrender, in Crime No.156 of 2017 pending on the file of the respondent police.

2. The learned counsel for the petitioners also submits that the petitioners have been implicated in this case for the alleged offences under Sections 294(b), 342, 355, 323, 506(ii) of the Indian Penal Code and 3(1)(X)(r), (s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 and that in view of the specific



bar under Section 18 of the said Act, the petitioners cannot move any anticipatory bail application and therefore, the petitioners have come forward with the said prayer.

3. The learned Government Advocate (Criminal side) takes notice for the respondent.

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 petitioners cannot move any anticipatory bail, the petitioners are directed to surrender before the learned Second Additional Sessions Judge (PCR Court), Tirunelveli, Tirunelveli District, in respect of Crime No.156 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 petitioners' surrender and filing bail application in Crime No.156 of 2017, the learned Second Additional Sessions Judge (PCR Court), Tirunelveli, Tirunelveli District, in turn, is directed to accept their surrender and consider their 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

/True Copy/

Sub Assistant Registrar

To

1. The Second Additional Sessions Judge (PCR Court),
Tirunelveli, Tirunelveli District.
2. The Inspector of Police,
Kalakad Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Prabhu, Advocate Sr.No.54851

sml

vb/skn/sar4/03.05.2017/2p/5c