



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

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Cr1.O.P.(MD)No.5413 of 2017

M.Vinoth Kannan

: Petitioner

Vs.

1.The State Rep. by,
The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Valliyoore Range,
Valliyoore,
Tirunelveli District.

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Second Additional Sessions Judge, Tirunelveli, Tirunelveli District, to accept the surrender and subsequent bail application of the petitioner herein in connection with Crime No.92 of 2017 on the file of the Inspector of Police, Valliyoore Police Station, Tirunelveli District, and later consider the same on merits and in accordance with law on the same day itself.

For Petitioner

: Mr.S.Palani Velayutham

For Respondents

: Mr.P.Kandasamy,

Government Advocate (Cr1.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 Sessions Judge, Tirunelveli, Tirunelveli District, to accept the surrender of the petitioner and consider the bail application on merits on the same day of his surrender, in Crime No.92 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, 148, 294(b), 324, 506(ii) of the Indian Penal Code r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) 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



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.

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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 Sessions Judge, Tirunelveli, Tirunelveli District, in respect of Crime No.92 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.92 of 2017, the learned Second Additional Sessions Judge, Tirunelveli, Tirunelveli District, 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(A.S)

/True Copy/

Sub Assistant Registrar

To

1.The Second Additional Sessions Judge,
Tirunelveli, Tirunelveli District.

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

3.The Deputy Superintendent of Police,
Valliyoor Range,
Valliyoor,
Tirunelveli District.

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

+1cc to Mr.S.PALANI VELAYUTHAM Advocate in SR. No.54950

SML

JS/JC/SAR.4/2P-6C/4.05.2017