



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

WEB COPY

Cr1.O.P. (MD)No.5428 of 2017

1.Vitty Periyakaruppa Thevar
[wrongly mentioned in the FIR as
Pinnathevar (Vitty)]

2.Mokkapandi

3.Pinnathevar (Kullani)

4.Ramu

: Petitioners

Vs.

1.The Deputy Superintendent of Police,
Usilampatti,
Madurai District.

2.State rep. by
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.

(Cr.No.158 of 2017).

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Third Additional District Sessions Judge (PCR Court), Madurai, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.158 of 2017, dated 12.03.2017 on the file of the respondents.

For Petitioners : Mr.S.Mahendrapathy

For Respondents : Mr.P.Kandasamy,

Government Advocate (Cr1.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 Third Additional District Sessions Judge (PCR Court), Madurai, to accept the surrender of the petitioners and consider the bail application on merits on the same day of their surrender, in Crime No.158 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 147, 148, 294(b), 323, 427, 506 (1), 109 and 379 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) of SC/ST Act r/w 3(1)(x) of SC/ST Act, 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 respondents.

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 Third Additional District Sessions Judge (PCR Court), Madurai, in respect of Crime No.158 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.158 of 2017, the learned Third Additional District Sessions Judge (PCR Court), Madurai, 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 (AS)

/True copy/

Sub Assistant Registrar

To

1.The Third Additional District Sessions Judge
(PCR Court), Madurai.

2.The Deputy Superintendent of Police,
Usilampatti,
Madurai District.

3.The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.

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

+1 CC to M/s.S.MAHENDRAPATHY, Advocate, SR No. 55254

SML

PSM/MR/SAR4/04.05.2017/2P/6C