



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) .No.8912 of 2019

1.Mohamed Bazir
2.Rani
3.Vijay
4.Nazar Khan

: Petitioners/Accused 1,3,4&5

Vs.

1.The Deputy Superintendent of Police,
Periyakulam, Theni District.

2.The State rep.by Inspector of Police,
Jayamangalam Police Station, : Respondents/ Complainants
Theni.

3.Panchu : Respondent/
Defacto Complainant

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to direct the learned District Court, Special Judge for SC/ST (POA) Amendment Act, 2015, Theni accept the surrender of the petitioners and on the same day consider their bail application for release of petitioner in Crime No.98 of 2019 on the file of the second respondent Police.

For Petitioners : Mr.Appadurai
For R1 & R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

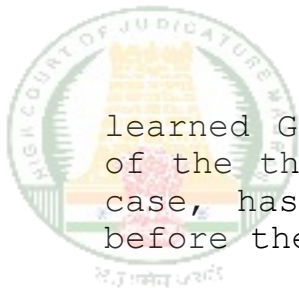
ORDER

The petitioners seek for a direction to the District Court, Special Judge for SC/ST (POA) Amendment Act, 2015, Theni, to consider their bail application to be filed in Crime No.98 of 2019 on the file of the second respondent police and to accept their surrender on the same day on merits.

2. The petitioners are the accused for the offences punishable under Sections 147, 341, 294(b), 323, 506 (1) IPC, Section 4 of Tamil Nadu Prohibitoin of Harassment of Women Act, 2022 and Sections 3(1)(r), 3(1)(s), 3(2)(Va) and 3(1)(w)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Crime No.98 of 2019, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Today, when the matter is taken up for hearing, the



learned Government Advocate (Crl.Side) would submit that the name of the third petitioner, who is arrayed as fourth accused in this case, has been deleted from the FIR. Hence, he need not appear before the Court below.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. Considering the nature of offences alleged against the petitioners 1, 2 and 4 and also considering the fact that anticipatory bail cannot be granted in respect of offences punishable under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, this Court feels it appropriate to direct the petitioners 1, 2 and 4 to surrender before the District Court, Special Judge for SC/ST (POA) Amendment Act, 2015, Theni, within a period of two weeks from the date of receipt of a copy of this order and file a bail application and on filing such bail application, the learned Judge is directed to consider the bail application of the petitioners 1, 2 and 4 on merits and pass appropriate orders on the same day of their surrender. The petitioners 1, 2 and 4 are directed to comply with the provisions under Section 15-A(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. The Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Court, Special Judge for SC/ST (POA)
Amendment Act, 2015, Theni

2.The Deputy Superintendent of Police,
Periyakulam, Theni District.

3.The State rep.by Inspector of Police,
Jayamangalam Police Station, Theni.

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

+1CC TO MR.K.APPADURAI, Advocate Sr. No. 71543

Order made in

CRL.O.P. (MD) .No.8912 of 2019

Dated: 26.06.2019