



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD).No.9442 of 2019

Maruthu : Petitioner/Accused
Vs.

- 1.The State represented by its
The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Othakadai Sub Division, Madurai District.
- 2.The Inspector of Police,
Appanthirupathi Police Station,
Madurai District.
(Crime No.36 of 2016) :1st & 2nd Respondents/Complainants
- 3.S.Rajkumar :3rd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to accept the surrender of the petitioner before the Special Court for SC/ST (Prevention of Atrocities) Act, i.e., The 3rd Additional District and Sessions Judge at Madurai, in connection with the Crime No.36 of 2016 on the file of the 2nd respondent police and to consider the bail application filed by the petitioner on the same day.

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

ORDER

The petitioners seek for a direction to the learned 3rd Additional District and Sessions Judge at Madurai, to consider their bail application to be filed in Crime No.36 of 2016 on the file of the second respondent police and to accept their surrender on the same day on merits.

2. The petitioner is the accused for the offences punishable under Sections 147, 352, 323, 354, 427 r/w Section 4 of TNPWH Act and Section 3(2)(V)(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Crime No.36 of 2016, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.



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

4. Considering the nature of offences alleged against the petitioner 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 petitioner to surrender before the learned 3rd Additional District and Sessions Judge at Madurai, 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 petitioner on merits and pass appropriate orders on the same day of his surrender. The petitioner is directed to comply with the provisions under Section 15-A(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. 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 3rd Additional District and Sessions Judge,
Special Court for SC/ST cases,
Madurai.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Othakadai Sub Division, Madurai District.

3.The Inspector of Police,
Appanthirupathi Police Station,
Madurai District.

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

+1cc to M/S.M.Chellapandian, Advocate in Sr.No.73266

Order made in

CRL.O.P. (MD) .No.9442 of 2019

Dated:

04.07.2019