



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) .No.10789 of 2019

WEB COPY

Kulanthaisamy

: Petitioner

Vs.

1.The State represented by its,
The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.

2.The State, Represented by its,
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
[Crime No.16 of 2016]

3.Peramaiya

: Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to direct the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST [POA] Act, Sivagangai to consider the bail application of the petitioner in connection with the FIR in Crime No.16 of 2016 on the file of the second respondent police on the very same date of his surrender and to dispose of the same on merits in accordance with law and consequently to release the petitioner on bail.

For Petitioner

: Mr.M.S.Jeyakarthik

For R1 & R2

: Mr.K.Suyambulinga Bharathi

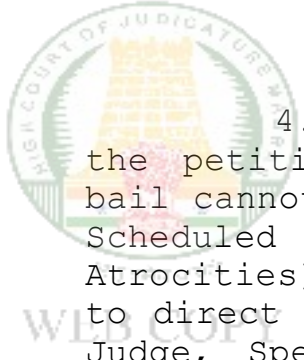
Government Advocate (Crl.Side)

ORDER

The petitioner seeks for a direction to the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST [POA] Act, Sivagangai, to consider his bail application to be filed in Crime No.16 of 2016 on the file of the second respondent police and to accept his surrender on the same day on merits.

2. The petitioner is the accused for the offences punishable under Sections 341, 294(b) and 323 IPC r/w Section 3(1) (x) of the Scheduled Castes and the Scheduled Tribes Act, 1989, in Crime No.16 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 Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST [POA] Act, Sivagangai, 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 (C.O)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST [POA] Act, Sivagangai.
2. The Deputy Superintendent of Police, Sivagangai, Sivagangai District.
3. The Inspector of Police, Ilayangudi Police Station, Sivagangai District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate SR-79056.

Order made in

CRL.O.P. (MD) .No.10789 of 2019

Dated:

31.07.2019