



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P. (MD) .No.12032 of 2019

Anburaj

: Petitioner/Accused No.3

Vs.

1.The Deputy Superintendent of Police,
Nanguneri Division, Tirunelveli District.

2.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
(Crime No.212 of 2019)

: Respondents 1 & 2/
Complainant 1 & 2

3.Gomathi

: 3rd Respondent/
De-Facto Complainant

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to direct the II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider his bail application on the same day of his surrender in respect of Crime No.212 of 2019 on the file of the second respondent, pending investigation.

For Petitioner
For R1 & R2

: Mr.D.Venkatesh
: Mr.K.Suyambulinga Bharathi
Government Advocate (CrI.Side)

ORDER

The petitioner seeks for a direction to the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli, to consider his bail application to be filed in Crime No.212 of 2019 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 Section 294(b), 323 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act r/w Sections 3(1)(r), 3(1)(s), 3(2)(Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Crime No.212 of 2019, 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 II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli, 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)

To

- 1.The II Additional District and Sessions Judge,
(Special Court for PCR Cases), Tirunelveli
- 2.The Deputy Superintendent of Police,
Nanguneri Division, Tirunelveli District.
- 3.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.D.VENKATESH, Advocate SR-84026.

Order made in
CRL.O.P. (MD) .No.12032 of 2019

Dated:
28.08.2019

CS(09.09.2019) 2P 6C