

Prabhu Vs. The Deputy Superintendent of Police, Madurai District and Another

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Court : Chennai Madurai

Decided On : Jul-01-2016

Judge : The Honourable Dr.(Mrs.) Justice S. Vimala

Appeal No. : CrI.O.P.(MD)No. 10715 of 2016

Appellant : Prabhu

Respondent : The Deputy Superintendent of Police, Madurai District and Another

Judgement :

(Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned III Additional Sessions Judge-cum-PCR Court, Madurai to consider the bail application filed by the petitioner on the same day in Crime No.361 of 2015 on the file of the respondent.)

1. This petition has been filed, seeking to direct the learned III Additional Sessions Judge-cum-PCR Court, Madurai to consider the bail application filed by the petitioner on the same day in Crime No.361 of 2015 on the file of the respondent.
2. Learned counsel for the petitioner submits that the petitioner has been implicated in this case for the alleged offences under Sections 341, 294(b) and 323 IPC and r/w Section 3(1)(x) of SC/ST Act in Crime No.361 of 2015 and that in view of the specific bar under Section 18 of the said Act, the petitioner cannot

move any anticipatory bail application and therefore, the petitioner has come forward with the said prayer.

2. The allegation in the complaint is that the defacto complainant was beaten by hands.

3. Learned Government Advocate (Crl.Side) takes notice for the respondents and submits that injured has been discharged from the hospital.

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. and S.T. (Prevention of Atrocities) Act that the petitioner is directed to surrender before the learned III Additional Sessions Judge-cum-PCR Court, Madurai within ten days from the date of receipt of a copy of this order. On such surrender, the learned III Additional Sessions Judge-cum-PCR Court, Madurai is directed to accept his surrender of the petitioner and consider his bail application, in the event of the petitioner filing such petition in Crime No.361 of 2015 on the file of the respondent police, and dispose of the same on merits and in accordance with law on the same day.

With this observation, this petition is disposed of accordingly.

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