

Kumar and Others Vs. The Deputy Superintendent of Police, Madurai and Another

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Court : Chennai Madurai

Decided On : May-11-2016

Judge : P. Kalaiyaran

Appeal No. : CrI.O.P.(MD) No. 7983 of 2016

Appellant : Kumar and Others

Respondent : The Deputy Superintendent of Police, Madurai and Another

Judgement :

(Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned III Additional District and Sessions Judge (PCR Court), Madurai, under the SC/ST Act to consider the bail application of the petitioners on the same day of surrender in connection with in Crime No.261 of 2016.)

1. This petition has been filed, seeking to direct the learned III Additional District and Sessions Judge (PCR Court), Madurai, under the SC/ST Act to consider the bail application of the petitioners on the same day of surrender in connection with in Crime No.261 of 2016.

2. Learned counsel for the petitioners submits that the petitioners have been implicated in this case for the alleged offences under Sections 147, 294(b) and

323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and r/w. Section 3(2)(V) of SC/ST Prevention of Atrocities Act, 1989, in Crime No.261 of 2016 and that in view of the specific bar under Section 18 of the said Act, the petitioners cannot move any anticipatory bail application and therefore, the petitioners have come forward with the said prayer.

3. Learned Government Advocate (Criminal side) takes notice for the respondent.

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 petitioners cannot move any anticipatory bail, the learned III Additional District and Sessions Judge (PCR Court), Madurai, is directed to accept the surrender of the petitioners and consider their bail applications, in the event of the petitioners filing such petitions in Crime No.261 of 2016 on the file of the respondents 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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