



WEB COPY

BEFORE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.01.2015

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

CRL.O.P. (MD) No.1180 OF 2015

1.Ganesan  
2.Subramanian  
3.Veerapandi  
4.Senthurpandi  
5.Gurumurthy  
6.Vellaipandi  
7.Vellaipandi  
8.Manikandan  
9.Karthick  
10.Prakash  
11.Balachandar  
12.Rengasamy

.. Petitioners/A1 to A12

Vs.

State represented by  
Inspector of Police  
Keelarajakularaman Police Staion,  
Virudhunagar District.  
(In Crime No.10 of 2015)

.. Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Principal Sessions Court, Virudhunagar District at Srivilliputtur (Special Court for SC/ST Act cases) to consider the bail application of the petitioners herein in Crime No.10 of 2015 on the file of the respondent police on the same date of surrender and dispose the same on its merits.

For Petitioners : Mr.G.Marimuthu

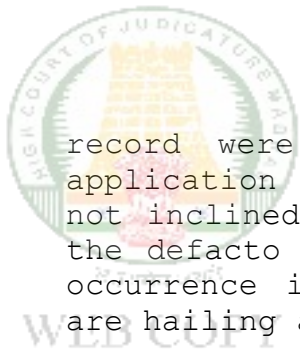
For Respondent : Mr.K.V.Rajarajan  
Government Advocate, (Crl. Side)

O R D E R

The petitioners seek a direction to the learned Principal Sessions Judge, Virudhunagar District at Srivilliputtur (Special Judge for SC/ST Act cases) to release the petitioners on bail, on the same day in the event of their surrender and filing bail application in Cr.No.10 of 2015 pending investigation on the file of the respondent police.

2.The petitioners are accused for offences punishable under Sections 147, 294(b), 323, 336, 427, 506(ii) IPC r/w 3(1)(r), 3(1)(s), 3(1)(1), 3(2)(v)(a) SC/ST (POA) Amendment Ordinance - 2014 Act.

3.The submissions made by Mr.G.Marimuthu, learned counsel for the petitioners and by Mr.K.V.Rajarajan, learned Government Advocate (Crl. Side) representing the respondent were heard. The materials available on



record were also perused. Though it is represented that intervening application has been filed on behalf of the defacto complainant, we are not inclined to accept such submission. The learned counsel appearing for the defacto complainant raised strong objection stating that the place of occurrence is a communally sensitive one and the petitioners frequently are hailing abuses mentioning the caste name.

4.The learned counsel for the petitioners submits that upon complaint of the petitioners, a case was registered wherein the defacto complaint in the present case was arrested and released on bail and as a counter blast, a false complaint has been lodged against the petitioners. He would further submit that neither the petitioners involved in any other case nor the petitioners have come to any adverse notice earlier.

5.Considering the nature of offences alleged against the petitioners, the fact that anticipatory bail cannot be granted in respect of offences punishable under SC/ST (POA) Amendment Ordinance - 2014 Act and that taking into custody of the petitioners pending consideration of their bail application could cause them irreparable hardship, this Court considers it appropriate to direct the learned Principal Sessions Judge, Virudhunagar District at Srivilliputtur (Special Judge for SC/ST Act cases) to consider the bail application of the petitioners on merits and pass appropriate order on the same day of their surrender.

6.The petition is ordered accordingly.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar(C.S)

To

1.The Principal Sessions Judge,  
Virudhunagar District at Srivilliputtur  
(Special Judge for SC/ST Act cases)

2.The Inspector of Police,  
Keelarakulam Police Station, Virudhunagar District.

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

+1cc to Mr.G.Mari Muthu, Advocate in SR.No. 3701

+1cc to Mr. S.Baskar Mathuram , Advocate in SR.No. 3692

TS/30.01.2015/2P-6C

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