



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2015

CORAM

THE HONOURABLE MRS.JUSTICE S.VIMALA

Crl.O.P. (MD) No.18418 of 2015

WEB COPY

A.Sengole

.. Petitioner/Sole Accused

Vs.

1.State represented by
The Inspector of Police,
kallal Police Station,
Kallal, Sivagangai District.

..1st Respondent/Dejure Complainant

2.Chandru

.. 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned Principal Sessions Judge, Special Court for Exclusive Trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sivagangai District to consider the bail application of the petitioner on the same day on merits in the event of his surrender in connection with Crime No. 119 of 2015 on the file of the first respondent.

For Petitioner : Mr.Rajiv Rufus

For Respondents : Mr.P.Kandasamy
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to direct the Principal Sessions Judge, Special Court for Exclusive Trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sivagangai District to accept the surrender of the petitioner and to consider the petitioner's bail application and grant bail on the date of surrender itself in crime No.119 of 2015 on the file of the first respondent.

2. The incident is stated to have arisen out of fishery rights over village Kanmai. It is the case of the petitioner that the authorities to fish in the Kanmai was questioned and when he asserted his rights, the petitioner was abused with filthy language and he was also beaten up by the proposed accused person and others. The petitioner also submitted that he has already preferred a complaint against the defacto complainant herein and a case has been registered in Crime No. 233 of 2014 on the file of the first respondent herein.

3. The petitioner herein is alleged to have committed offences under Sections 341, 294(b), 324 and 506(ii) of I.P.C. and Section 3(i) (II)(x) r & s of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is stated by the petitioner that he is innocent.

4. The learned counsel for the petitioner would submit that the petitioner is prepared to surrender before the lower Court to co-operate with the prosecution and his petition for bail may be ordered to be considered on the same day.



5. Considering the submission of the learned counsel for the petitioner and also the facts and circumstances of the case, the following direction is issued:

In the event of the petitioner surrendering before the learned Principal Sessions Judge, Special Court for SC/ST Act, 1989, Sivagangai District and his filing of petition seeking bail, the learned Principal Sessions Judge, Special Court for SC/ST Act, 1989, Sivagangai District shall dispose of the said petition for bail on the same day strictly on merits and in accordance with law.

6.The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CO)

/TURE COPY/

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Special Court for Exclusive Trial of SC/ST Act,
Sivagangai District.

2.The Inspector of Police,
Kallal Police Station,
Kallal, Sivagangai District

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

+1cc to Mr.V.Rajiv Rufus,Advocate SR.No.56457

Order made in
Crl.O.P. (MD) No.18418 of 2015
25.09.2015

pjl/gsr

AM/GSV-PM/SAR I/28.09.2015/2P/5C(IT)