



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2016

CORAM

WEB COPY

THE HON'BLE DR.JUSTICE S.VIMALA
Crl.O.P.(MD) Nos.11088 to 11092 of 2016

- 1.K.Udhayakumar
- 2.K.V.Kasi @ Kasinathan
- 3.U.Karthi
- 4.K.Kasi
- 5.P.Kasinathan
- 6.K.Ajith
- 7.P.Pavithran
- 8.M.Pavun @ Pavunraj
- 9.D.Palpandi
- 10.B.Prakash
- 11.Sathish @ Sathishpandi
- 12.K.Sudhakar
- 13.C.Nallathambi
- 14.M.Palpandi
- 15.P.Karuppusamy
- 16.A.Kani @ Ganesh Kumar

... Petitioners in Crl.O.P.
(MD) No.11088 of 2016

- 1.K.Udhayakumar
- 2.K.V.Kasi @ Kasinathan
- 3.U.Karthi
- 4.K.Kasi
- 5.S.Vijayan
- 6.P.Kasinathan
- 7.K.Ajith
- 8.P.Pavithran
- 9.M.Pavun @ Pavunraj
- 10.D.Palpandi
- 11.B.Prakash
- 12.Sathish @ Sathishpandi
- 13.K.Sudhakar
- 14.C.Nallathambi
- 15.M.Palpandi
- 16.P.Karuppusamy
- 17.A.Kani @ Ganesh Kumar

... Petitioners in Crl.O.P(MD)
No.11089, 11090 & to 11092
of 2016

- 1.K.Udayakumr
- 2.K.V.Kasi @ Kasinathan
- 3.V.K. Karuppusamy
- 4.K.Ajith



5.K.Kasi
6.S.Vijayan
7.P.Kasinathan
8.M.Pavun @ Pavunraj
9.D.Palpandi
10.P.Pavithran
11.B.Prakash
12.J.Sathish @ Sathishpandi
13.K.Sudhakar
14.C.Nallathambi
15.M.Palpandi
16.P.Karuppusamy
17.A.Kani @ Ganesh Kumar

... Petitioners in Crl.O.P(MD
No.11091 of 2016

-vs-

The State rep. by
The Inspector of Police,
Kadupatti Police Station,
Madurai District.
(Crime No.10 to 14/2016)

... Respondents in all the
petitions

Common Prayer : Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned III Additional District and Sessions Judge, (PCR Court), Madurai, to accept the surrender of these petitioners and consider their bail applications on the same day in connection with Crime Nos.10 to 14 of 2016 pending investigation on the file of the respondent.

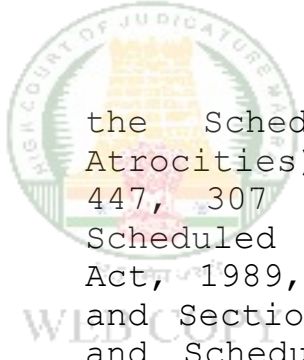
For Petitioners : Mr.P.Thambidurai

For Respondent : Mr.P.Kandasamy
Govt. Advocate (Crl.Side)

O R D E R

These petition have been filed seeking a direction to the learned III Additional District and Sessions Judge (PCR Court), Madurai, to consider the bail applications of the petitioners on the same day of their surrender in connection with Crime Nos.10 to 14 of 2016.

2.The sum and substance of the complaint is that due to previous motive, the petitioners along with other accused abused the defacto complainants by his caste name and attacked them. The case in Crime No.10 of 2016 has been registered for the alleged offences under Sections 147, 148, 323, 427, 506(ii) IPC r/w 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Crime No.11 of 2016 under Sections 147, 148, 324, 436, 307 IPC and Section 3 of TNPPDL Act r/w 3(2) (v) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, Crime No.12 of 2016 under Sections 147, 447, 307 IPC and Section 3 of TNPPDL Act r/w 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, Crime No.13 of 2016 under Sections 147, 436, 307 IPC and Section 3 of TNPPDL Act r/w 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 and Crime No.14 of 2016 under Sections 147, 148, 323, 324, 427, 307 IPC r/w 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989. All the cases against these petitioners are in respect of the alleged offences said to have been place on 17.01.2016. It is contended that cases registered using consecutive crime number i.e. Crime No.10 to 14 would show too falsity of the prosecution case.

3.The learned counsel for the petitioners would submit that within a short span of time i.e. within the same day all the cases have been foisted against these petitioners. It is stated that neither the defacto complainant belongs to Scheduled Caste/Scheduled Tribe community, nor the accused belong to community other than SC/St. In one words, the contention is that offence under SC/ST Act is not made out.

4. The learned Government Advocate (Crl. Side) appearing for the respondents would submit that the injured has been discharged from the hospital and the major part of the investigation is over. In fact the prosecution did not explain how cases were registered using continuously 5 crime numbers.

5.Having regard to the facts and circumstances of the case, the petitioners are directed to surrender before the Court concerned within ten days from the date of receipt of a copy of this order and file a bail application. The Court concerned is directed to accept the surrender of the petitioner in Crime Nos.10 to 14 of 2016 and consider bail applications of the petitioners and dispose of the same on merits and in accordance with law, on the same day of their surrender.

6.These Criminal Original Petitions are disposed of accordingly.

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar



To:

1.The III Additional District and Sessions Judge,
(PCR Court), Madurai,

2.The Inspector of Police,
Kadupatti Police Station,
Madurai District.

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

+1cc to M/S.P.Thambi durai,Advocate, SR NO: 35225

sj

JA-DB/19.7.2016/4P:5C

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06.07.2016