



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM

THE HON'BLE MR. JUSTICE K. KALYANASUNDARAM

Crl.O.P. (MD) No.21583 of 2016

WEB COPY

K.Arumugam

.. Petitioner/Accused No.3

Vs.

1.The Deputy Superintendent of Police,
Nilakkotai Taluk,
Dindigul District.

2.The Inspector of Police,
Ammainaickanoor Police Station,
Dindigul District.

(Crime No.341 of 2016)

.. Respondents/complainants

Prayer: Petition filed under Section 482 of Code of Criminal Procedure praying a direction to the learned Principal District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Dindigul District to accept the surrender of the petitioner and consider the petitioner's bail application and grant bail on the date of surrender itself in Crime No.341 of 2016 dated 19.10.2016 on the file of the respondent police.

For Petitioner

: Mr.J.Lawrance

For Respondent

: Mr.P.Kannithevan

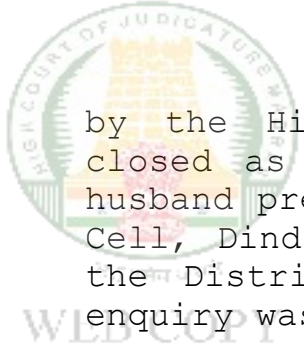
Government Advocate (Crl. Side)

O R D E R

The petitioner seeks a direction to the learned Principal District and Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Dindigul District, to consider the bail application of the petitioner on the day of surrender itself.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3.The case of the petitioner is that the petitioner purchased 20 cents of vacant land from the husband of the defacto complainant by a registered sale deed dated 14.08.2015. Subsequently, he constructed a building and running a hotel therein. He further submitted that due to some dispute, the complainant's husband preferred a complaint before the District Crime Branch, Dindigul as well as to the second respondent, in which the petitioner was granted anticipatory bail



by the High Court. Thereafter, the enquiry was conducted and closed as 'mistake of fact'. Further, the defacto complainant's husband preferred a second complaint before the Anti Land Grabbing Cell, Dindigul, which was also forwarded to the first respondent, the District Superintendent of Police, Dindigul, in which also enquiry was conducted and closed.

4. The learned counsel for the petitioner would further submit that now the third complaint was preferred by the defacto complainant alleging that the petitioner instead of getting a mortgage deed, obtained a sale deed from the defacto complainant's husband and thereby cheated them. It is further submitted that the petitioner is an innocent and he has been falsely robed in this case.

5. The learned Government Advocate(Crl. Side) would submit that from the three cases, in this case, A1 and A2 was already arrested and released on bail. The petitioner is ranked as A3 and the enquiry is pending.

6. From the records it is seen that the petitioner is arrayed as accused No.3 in Crime No.341 of 2016 for the offences punishable under Sections 294(b), 406, 420, 323 and 506(i) of I.P.C., and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(i)(x) of SC/ST (Prevention of Atrocities) Act, and that in view of the specific bar contained in Section 18 of the said Act, the petitioner cannot move any anticipatory bail application and therefore, the petitioner has come up with this petition.

7. Considering the submissions made by both sides and also the fact that A1 and A2 was already arrested and released on bail, the petitioner is directed to surrender before the Court concerned within ten days from the date of receipt of a copy of this order and file bail application. The Court concerned is directed to accept the surrender of the petitioner in Crime No.341 of 2016 and consider the petitioner's bail application and dispose of the same on merits and in accordance with law, on the same day of his surrender.

8. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Principal District and Sessions Judge
(Special Court for Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities))

2. District Superintendent of Police, Dindigul District.



2. The Deputy Superintendent of Police,
Nilakkotai Taluk,
Dindigul District.

WEB COPY

3. The Inspector of Police,
Ammainaickanoor Police Station,
Dindigul District.

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

+One cc to Mr.J.Lawrence, Advocate, SR.No.69279

PJL
RL/6C/3P/MPA/ARCS2/22.11.2016

Cr1.O.P. (MD) No.21583 of 2016

14.11.2016