



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Cr1.O.P.(MD).No.8973 of 2016

- 1.Kembayan
- 2.Ganapathi
- 3.Dhanpal
- 4.Thimayan
- 5.Susi

.. Petitioners/Accused No. 1 to 5

Vs.

State represented by
The Inspector of Police,
Shanarpatti Police Station,
Dindigul District
(Crime No.156/16)

.. Respondent/Complainant.

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the learned District Sessions Court Dindigul District to consider and dispose of the bail application of the petitioner in Crime No.156 of 2016 on the file of the respondent on the same day of their surrender.

For Petitioner	: Mr.N.Rahamadullah
For respondents	: Mr.A.P.Balasubramani Government Advocate (Criminal side) Mr.S.Muthukumar for intervenor

ORDER

This application has been filed seeking a direction to the Court, which is dealing with the SC/ST Act cases to consider the bail application on the day of surrender itself.

2.Heard the learned counsel for the petitioners, learned counsel for the intervenor/de-facto complainant and the learned Government Advocate (Cr1. Side) for the respondents.

3.It is the case of the prosecution that on 01.06.20016, when there was a village meeting, A1 along with others abused the de-facto complainant by using caste name. When the same was questioned, it is alleged that they attacked the de-facto complainant, who got severely injured and they had taken a sum of Rs.54,000/- and a gold ring belonging to him.

4.The learned counsel for the intervenor has filed a petition for impleading and submitted that a case under Sections 147, 148, 294(b), 323, 324, 506(ii), 379 IPC has been registered along with Section 3(1)(x) of SC/ST (POA) Act and therefore, it is not a case, where there should be



a direction for grant of bail on the same day of surrender, since the allegations are under Section 324 IPC also.

5. The learned Government Advocate (Crl. Side) was directed to give the details of investigation and the stage of investigation. The learned Government Advocate, on instructions, would submit that the Deputy Superintendent of Police, Dindigul, has been entrusted with the investigation and the investigation reveals that the case under Section 379 IPC is not made out and only the offence made out is use of caste name and criminal intimidation.

5. Under such circumstances, the District Sessions Court, Dindigul District, is directed to consider the bail application of the petitioners and pass orders on merits on the same day of their surrender.

With the above direction, this petition is disposed of. Consequently connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To

1. The District Sessions Court,
Dindigul.
- 2 The Deputy Superintendent of Police,
Dindigul.
3. The Inspector of Police,
Shanarpatti Police Station,
Dindigul District
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.N. Rahamadullah, Advocate, SR.No. 30435

Crl.O.P(MD)No.8973 of 2016
14.06.2016

RR
AM/GSV.PM/SAR-I/29.06.2016/2P/6C