



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.2763 of 2017

- 1.K.Sivanandi
- 2.P.Sivamurugan
- 3.Sivan
- 4.Siva Sundara Pandi @ Jeya Sundara Pandi
- 5.Sivaraja
- 6.Sivapandi
- 7.Sivamurugan
- 8.Palanivel
- 9.Pasumpon
- 10.Jeyaraj
- 11.Selvamani @ Selvaraj
- 12.Jeyamurugan
- 13.Prakash
- 14.Karthik
- 15.Sivapandi
- 16.Thonthiyappan
- 17.Sivapandi

: Petitioners

Vs.

- 1.The Deputy Superintendent of Police,
Samanallur Division,
Madurai.
- 2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai.

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai, to accept the surrender of these petitioners in connection with Cr.No.141 of 2013 on the file of the respondent and to pass order on the same day in their bail applications on merits.

For Petitioners

: Mr.J.William Christopher

For Respondents

: Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

The learned counsel for the petitioners submits that the petitioners have come forward with this petition seeking for a direction to the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai, to accept the surrender of the petitioners and consider the bail application on merits on the same day of their surrender, in Crime No.141 of 2013 on the file of the respondent police.

2. The learned counsel for the petitioners also submits that the petitioners have been implicated in this case for the alleged offences under Sections 147, 148, 149, 323, 336, 109 of the Indian Penal Code r/w 3(1) of TNPPDL Act and 3(1)(X) of SC/ST (Prevention of Atrocities) Act, 1989 and that in view of the specific bar under Section 18 of the said Act, the petitioners cannot move any anticipatory bail application and therefore, the petitioners have come forward with the said prayer.

3. The learned Government Advocate (Criminal side) takes notice for the respondents.

4. On a reading of the First Information Report, it is seen that the petitioners herein along with the other accused had not only demolished the house of the defacto complainant, but, had attacked the ten huts in the area and had caused damage to the motorcycle of one Nallasamy and Tata Ace vehicle of one Marichamy.

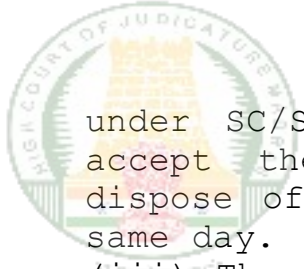
5. The learned Government Advocate (Criminal side) submits that six people have been arrested and released on bail. He also submitted that the investigation has been completed and final report has been filed in P.R.C.No.32 of 2014 before the learned Judicial Magistrate No.VI, Madurai.

6. In the normal circumstances, this is not a fit case to grant the relief as prayed for by the petitioners, taking into consideration the nature of the allegations found in the First Information Report. However, this Court finds that the police were able to arrest only six of them and rest of them have been absconding from 2013 onwards. That apart, the investigation has also been completed and final report has been filed.

7. Under such circumstances, this petition is ordered on the following terms:

(i) The petitioners are directed to surrender before the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai, in respect of Crime No.141 of 2013 on the file of the respondent police, within two weeks from the date of receipt of a copy of this order;

<https://hcservices.ecourts.gov.in/hcservices/> the petitioners' surrender and filing bail application in Crime No.141 of 2013 pending on the file of the respondent police, the Special Court for Exclusive Trial of Cases



under SC/ST (POA) Act, 1989, Madurai, in turn, is directed to accept their surrender, consider their bail application and dispose of the same on merits and in accordance with law on the same day.

(iii) The petitioners are directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) each to the credit of Crime No.141 of 2013, before the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai, as a condition precedent, without prejudice to the defence in the trial. The Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai, is directed to disburse the amount as ad-interim compensation to those who have suffered due to the damage caused by the accused. The quantum may be decided by the learned Trial Judge.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai.
- 2.The Deputy Superintendent of Police, Samanallur Division, Madurai.
- 3.The Inspector of Police, Nagamalai Pudukottai Police Station, Madurai.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.J.William Christopher, Advocate, SR.No. 14838.

Order made in
Cr1.O.P. (MD) No.2763 of 2017
 Dated: 13.03.2017

SML

AM/SV MMS/24.03.2017/3P/6C